



2016/0131(COD)

3.12.2018

AMENDMENTS

72 - 98

Draft updated report
Péter Niedermüller
(PE592.076v02-00)

European Union Agency for Asylum

Amended proposal for a regulation
(COM(2018)0633 – C8-0174/2016 – 2016/0131(COD))

Amendment 72

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 1

Text proposed by the Commission

(1) In June 2018, the European Council reconfirmed the importance of relying on a comprehensive approach to migration and considered that migration is a challenge not only for one Member State but for Europe as a whole. In this respect, it highlighted the importance for the Union to provide full support to ensure an orderly management of migration flows, **notably** through rapid processing to ensure access to protection of those in need, with swift returns for those who are not, including through controlled centres. Therefore, the Union should be able to provide the Member States concerned with full financial and operational support through the relevant Union Agencies including the European Union Agency for Asylum.

Amendment

(1) In June 2018, the European Council reconfirmed the importance of relying on a comprehensive approach to migration and considered that migration is a challenge not only for one Member State but for Europe as a whole. In this respect, it highlighted the importance for the Union to provide full support to ensure an orderly management of migration flows, **including** through rapid processing to ensure access to protection of those in need, with swift returns for those who are not **in need of protection**, including through controlled centres **established in the territory of all Member States and only on a voluntary basis. These centres should not be closed centres and should fully respect the EU asylum legislation and migrants' fundamental rights.** Therefore, the Union should be able to provide the Member States concerned with full financial and operational support through the relevant Union Agencies including the European Union Agency for Asylum.

Or. en

Amendment 73

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 2

Text proposed by the Commission

(2) In this respect, **at the request of** a Member State, **it** should be **possible for the Agency** to provide **an even more**

Amendment

(2) In this respect, where a Member State **requests the support of the Agency, the latter** should be **able** to provide an

reinforced operational and technical assistance by carrying out the **entire** procedure for international protection or parts of that procedure at the administrative stage **and assist** with the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation], without prejudice to the competence of Member States to take decisions on individual applications.

enhanced operational and technical assistance **including** by **assisting Member States' competent authorities in** carrying out the procedure for international protection or parts of that procedure at the administrative stage **as well as provide assistance** with the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation], without prejudice to the competence of Member States to take decisions on individual applications.

Or. en

Amendment 74

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 3

Text proposed by the Commission

(3) The Agency's involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] would ensure that Member States receive all the required support to process applications for international protection swiftly and in a timely manner **allowing for the efficient and orderly functioning of the asylum and reception systems. For that purpose, the Agency should also be able to assist national competent authorities at the administrative stage of the procedure with preparing decisions on applications for international protection. Those national competent authorities should be able to take into account the draft decisions prepared by the Agency without** prejudice to their competence to take decisions on individual applications.

Amendment

(3) The Agency's involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] would ensure that Member States receive all the required support to process applications for international protection swiftly and in a timely manner, without prejudice to their competence to take decisions on individual applications.

Or. en

Amendment 75

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 4

Text proposed by the Commission

(4) The Agency and the European Border and Coast Guard Agency should cooperate closely in order to address effectively the migratory challenges, ***in particular at external borders characterised by often large inward mixed migratory flows***. In particular, both Agencies should coordinate their activities and support Member States to facilitate the procedure for international protection and the return procedure with regard to third country nationals whose applications for international protection have been rejected or who are otherwise illegally present ***in the Member States***. The Agency and the European Border and Coast Guard Agency should also closely cooperate in other common operational activities such as shared risk analysis, collection of statistical data, training and support to Member States on contingency planning.

Amendment

(4) The Agency and the European Border and Coast Guard Agency should cooperate closely ***within their respective mandates and powers*** in order to address effectively the migratory challenges. In particular, both Agencies should coordinate their activities and support ***requesting*** Member States to facilitate the procedure for international protection and the return procedure with regard to third country nationals whose applications for international protection have been rejected or who are otherwise illegally present. The Agency and the European Border and Coast Guard Agency should also closely cooperate in other common operational activities such as shared risk analysis, collection of statistical data, training and support to Member States on contingency planning ***with their agreement***.

Or. en

Amendment 76

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 5

Text proposed by the Commission

(5) Member States should be able to rely on ***increased*** operational and technical reinforcement by migration management support teams in particular at hotspot areas or controlled centres. The migration management support teams should be composed of teams of experts from

Amendment

(5) Member States should be able to rely on ***enhanced*** operational and technical reinforcement by migration management support teams in particular at hotspot areas or controlled centres. The migration management support teams should be composed of teams of experts from

Member States deployed by the Agency, the European Border and Coast Guard Agency and Europol or other relevant Union agencies, as well as experts from the staff of the Agency and the European Border and Coast Guard Agency. The Commission should ensure the necessary coordination in the assessment of needs and of the operations on the ground notably in view of the involvement of several Union agencies and possibly other stakeholders.

Member States deployed by the Agency, the European Border and Coast Guard Agency and Europol or other relevant Union agencies, as well as experts from the staff of the Agency and the European Border and Coast Guard Agency. The Commission should ensure the necessary coordination in the assessment of needs and of the operations on the ground notably in view of the involvement of several Union agencies and possibly other stakeholders.

Or. en

Amendment 77

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 6

Text proposed by the Commission

(6) In this regard, the Agency should be able to deploy the adequate infrastructure and technical equipment necessary for the asylum support teams and to assist the competent national authorities, *including the judiciary*.

Amendment

(6) In this regard, the Agency should be able to deploy the adequate infrastructure and technical equipment necessary for the asylum support teams, *in consultation with the Member States concerned and subject to its agreement* and to assist the competent national authorities.

Or. en

Amendment 78

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 7

Text proposed by the Commission

(7) In hotspot areas or controlled centers, the Member States should cooperate with relevant Union agencies,

Amendment

(7) In hotspot areas or controlled centers, the Member States should cooperate with relevant Union agencies,

which should act within their respective mandates and powers, and under the coordination of the Commission.

which should act within their respective mandates and powers *in close cooperation with the competent national authorities*, and under the *overall* coordination of the Commission.

Or. en

Amendment 79

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 8

Text proposed by the Commission

(8) In these cases, the Union agencies should, at the request of the Member State and under the coordination of the Commission, act in support of the host Member State to apply rapid procedures for international protection and/or return. It should be possible to distinguish quickly between third-country nationals in need of international protection and those who are not in need of such protection, to carry out security checks and to carry out *the entire or* part of the procedure for international protection and/or return.

Amendment

(8) In these cases, the Union agencies should, at the request of the Member State and under the coordination of the Commission, act in support of the host Member State to apply rapid procedures for international protection and/or return, *fully respecting the fundamental rights of the applicants and the relevant EU asylum aquis and international obligations*. It should be possible to distinguish quickly between third-country nationals in need of international protection and those who are not in need of such protection, to carry out security checks and to *support Member States in carrying* out part of the procedure for international protection and/or return.

Or. en

Amendment 80

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 1 – Recital 9

Text proposed by the Commission

(9) *It should be possible for Member*

Amendment

deleted

States to request the assistance of the Agency not only to reinforce their national administrations but also to assist the courts and tribunals dealing with asylum cases, without prejudice to judicial independence and with full respect for the organisation of the judiciary in each Member State. For that purpose, when defining the profiles of the experts, the Agency should foresee profiles for experts who are independent of the national administrative authorities and who are able to assist the courts or tribunals upon their request to perform, among others, legal research, analysis and other legal support.

Or. en

Amendment 81

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Preamble – Point 2 – Recital 1

Text proposed by the Commission

(1) Another objective of this Regulation is to ensure that Member States, at their request and according to their needs, can benefit from **increased** support of the Agency including its involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] for them to process applications for international protection swiftly and in a timely manner **allowing for the efficient and orderly functioning of the asylum and reception systems** and to reinforce the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard.

Amendment

(1) Another objective of this Regulation is to ensure that Member States, at their request and according to their needs, can benefit from **enhanced** support of the Agency including its involvement in the procedure for international protection and in the procedure applicable under Regulation (EU) No XXX/XXX [Dublin Regulation] for them to process applications for international protection swiftly and in a timely manner and to reinforce the elements of cooperation between the European Union Agency for Asylum and the European Border and Coast Guard.

Or. en

Amendment 82

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) at the request of the Member State concerned to the Agency in accordance with Article 16a; *deleted*

Or. en

Amendment 83

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Agency shall organise and coordinate the appropriate operational and technical assistance which may entail taking one or more of the following operational and technical measures in full respect of fundamental rights:

2. The Agency shall organise and coordinate, for a limited period of time, the appropriate operational and technical assistance which may entail taking one or more of the following operational and technical measures in ***accordance with the agreed operational plan and*** in full respect of fundamental rights.

Or. en

Amendment 84

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ***identify and register*** third-country nationals, take their biometric data and

(a) ***assist with the identification and registration of*** third-country nationals, take

inform them of those procedures, as appropriate, in close cooperation with other Union Agencies;

their biometric data, *in accordance with national law*, and inform them of those procedures, as appropriate, in close cooperation with other Union Agencies;

Or. en

Amendment 85

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) assist with *and carry out the registration of* applications for international protection;

(b) assist with *receiving and registering* applications for international protection;

Or. en

Amendment 86

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point m

Text proposed by the Commission

Amendment

(m) *prepare decisions on applications for international protection without prejudice to the competence of the national competent authority to take decisions on individual applications;*

deleted

Or. en

Amendment 87

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) *assist with handling appeals by, among others, performing legal research, analysis and other legal support;* *deleted*

Or. en

Amendment 88

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) *deploy asylum support teams;* (p) *deploy asylum support teams, **upon the agreement of the Member State concerned;***

Or. en

Amendment 89

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 3 – Article 16 – Paragraph 2 – point q

Text proposed by the Commission

Amendment

(q) *advise where appropriate, and deploy the adequate infrastructure and technical equipment necessary for the asylum support teams and to assist the competent national authorities, **including the judiciary.*** (q) *advise where appropriate, and deploy the adequate infrastructure and technical equipment necessary for the asylum support teams and to assist the competent national authorities, **upon the agreement of the Member State concerned.***

Or. en

Amendment 90

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 4 – Article 16 a (new) – Paragraph 1 – introductory part

Text proposed by the Commission

1. A Member State may request the Agency to provide it with enhanced assistance *to assist it with* the implementation of *its policy on asylum including of* its obligations under the CEAS. For that purpose, the Agency shall deploy asylum support teams, including from the asylum reserve pool as appropriate, to:

Amendment

1. A Member State may request, *for a limited period of time*, the Agency to provide it with enhanced assistance *in* the implementation of its obligations under the CEAS *and in accordance with the agreed operational plan. This shall be done without prejudice to the competence of Member States to take decisions on individual applications for international protection*. For that purpose, the Agency shall deploy asylum support teams, including from the asylum reserve pool as appropriate, to *carry out one or more of the following activities*:

Or. en

Amendment 91

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 4 – Article 16 a (new) – Paragraph 1 – point a

Text proposed by the Commission

(a) carry out *the entire procedure or* parts of the procedure for international protection at the administrative stage in accordance with Regulation (EU) No XXX/XXX [Asylum Procedure Regulation], *without prejudice to the competence of Member States to take decisions on individual applications* and/or;

Amendment

(a) carry out parts of the procedure for international protection at the administrative stage in accordance with Regulation (EU) No XXX/XXX [Asylum Procedure Regulation] *and applicable national law* and/or;

Or. en

Amendment 92

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 4 – Article 16 a (new) – Paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) assist with the handling of appeals regarding the procedures referred to in points (a) and (b). deleted

Or. en

Amendment 93

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 4 – Article 16 a (new) – Paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) prepare decisions on applications for international protection and provide those decisions to the competent national authorities, who would be responsible for taking decisions on individual applications in accordance with the basic principles and guarantees provided for in Regulation No (EU) XXX/XXX [Asylum Procedure Regulation]; deleted

Or. en

Amendment 94

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 4 – Article 16 a (new) – Paragraph 4

Text proposed by the Commission

Amendment

4. For the purposes of point (c) of paragraph 1, the experts from the asylum support teams shall, as appropriate, assist the courts or tribunals upon their request and with full respect of judicial independence and impartiality with deleted

*handling appeals by, among others,
performing legal research, analysis and
other legal support.*

Or. en

Amendment 95

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 5 – Article 21 – Paragraph 1

Text proposed by the Commission

1. Migration management support teams may be deployed at the request of *a* Member State, or upon the initiative of the Agency and with the agreement of the Member State concerned, to provide technical and operational reinforcement to that Member State.

Amendment

1. Migration management support teams may be deployed *only* at the request of *the concerned* Member State, or upon the initiative of the Agency and with the agreement of the Member State concerned, to provide technical and operational reinforcement to that Member State.

Or. en

Amendment 96

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 5 – Article 21 – Paragraph 4

Text proposed by the Commission

4. The relevant Union agencies shall, under the coordination of the Commission, assess a Member State's request for reinforcement and needs so as to define the necessary measures, including the deployment of technical equipment, to be agreed upon by the Member State concerned.

Amendment

4. The relevant Union agencies shall, under the coordination of the Commission, assess a Member State's request for reinforcement and needs so as to define the necessary measures, including the deployment of technical equipment, to be agreed upon by the Member State concerned *and resulting in the establishment of an operational plan agreed between the Member State and the Agency.*

Or. en

Amendment 97

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 5 – Article 21 – Paragraph 5

Text proposed by the Commission

5. The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation for the deployment of the migration management support teams as well as the deployment of technical equipment, and be responsible for the coordination of the *activities of those teams*.

Amendment

5. The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation for the deployment of the migration management support teams as well as the deployment of technical equipment, and be responsible for the coordination of the *cooperation between the relevant agencies*.

Or. en

Amendment 98

Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara

Proposal for a regulation

Enacting terms – Point 5 – Article 21 – Paragraph 6

Text proposed by the Commission

6. The asylum support teams deployed by the Agency in the framework of the migration management support teams may carry out the tasks referred to in Article 16(2) and 16a.

Amendment

6. The asylum support teams deployed by the Agency in the framework of the migration management support teams may carry out *only* the tasks referred to in Article 16(2) and 16a.

Or. en