



2016/0222(COD)

23.2.2017

AMENDMENTS

296 - 543

Draft report

Sophia in 't Veld

(PE593.978v02-00)

on the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)

Proposal for a directive

(COM(2016)0465 – C8-0323/2016 – 2016/0222(COD))

Amendment 296
Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market ***no later than 6 months*** from the date when the application for international protection was lodged ***if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.***

Amendment

Member States shall ensure that applicants have access to the labour market from the date when the application for international protection was lodged.

Or. en

Justification

The amendment modifies the awaiting period before access is granted, but of course includes some words in the white part since number of months in itself is a grey part and deletion cannot stand alone in any case. No further conditionality is considered necessary.

Amendment 297
Bodil Valero
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market ***no later than 6 months*** from the date when the application for international protection was lodged ***if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.***

Amendment

Member States shall ensure that applicants have access to the labour market from the date when the application for international protection was lodged.

Or. en

Justification

This amendment aimed at granting applicants immediate access to the labour market is inextricably linked to other admissible amendments under the draft report aiming to strengthen the effective access to the labour market for applicants and is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements" is maintained.

Amendment 298 **Jeroen Lenaers**

Proposal for a directive **Article 15 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market no later than 6 months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Amendment

Member States shall ensure that applicants have **effective** access to the labour market no later than 6 months, **in accordance with the time-limit for decision at the first appeal stage as set in Regulation (EU) No XXX/XXX [Procedures Regulation]**, from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Or. en

Justification

Access to the labour market is an important tool to increase an applicant's self-reliance and chances of integration in a host society. Therefore it is good that Member States have the obligation to allow for this access but it is important that this access is also effective. Next to that, for the purposes of legal clarity, the mentioned period of six months is connected to the six month time-limit for a decision at the first appeal stage as stated in the Commission proposal for an asylum procedures regulation, therefore a reference to that regulation should be entered here.

Amendment 299 **Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Soraya Post**

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market no later than **6** months from the date when the application for international protection was lodged ***if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.***

Amendment

Member States shall ensure that applicants have access to the labour market no later than ***two*** months from the date when the application for international protection was lodged.

Or. en

Justification

Bearing in mind the time lines laid down in the Commission proposal on the Procedures Regulation, any accelerated procedure in relation to an applicant for international protection will be completed within two months of the application. If the applicant has not been rejected at that point, he or she is more likely to be granted international protection and thus should be granted access to the labour market at the very latest at that point in time. Member States can choose to grant access earlier.

Amendment 300
Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market no later than **6** months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Amendment

Member States shall ensure that applicants have access to the labour market no later than **3** months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Or. it

Amendment 301
Beatrix von Storch

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States **shall** ensure that applicants have access to the labour market no later than **6** months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Amendment

Member States **may** ensure that applicants have access to the labour market no later than six months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 302
Bodil Valero
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted.

Amendment

deleted

Or. en

Amendment 303

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Member State has *accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation]*, access to the labour market shall not be granted.

Amendment

Where the Member State has *established that the applicant has no right to international protection*, access to the labour market shall not be granted.

Or. en

Justification

Applicants should have access to the labour market, at the latest, two months after the application for international protection was lodged. Within that time any accelerated procedure should be completed, as per Article 40 of the proposed Procedures Regulation. Where an application for international protection is rejected, the applicant should not be granted access to the labour market.

Amendment 304

Cornelia Ernst, Martina Anderson

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted.

Amendment

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted *automatically*.

Or. en

Amendment 305

Jeroen Lenaers

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that applicants, who have been granted access to the labour market in accordance with paragraph 1, have effective access to the labour market.

deleted

Or. en

Justification

The necessity to allow for effective access to the labour market can be entered in the first subparagraph of Article 15 - paragraph 1. In order to avoid duplication, the provision can be deleted here. (This amendment should be read together with the accompanying amendment on article 15 - paragraph 1 - subparagraph 1)

Amendment 306

Kinga Gál

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall *ensure that applicants, who have been granted* access to the labour market in accordance with *paragraph 1*, have effective access to the labour market.

Member States shall *decide the conditions for granting* access to the labour market *for the applicant*, in accordance with *their national law, while ensuring that applicants* have effective access to the labour market.

Or. en

Amendment 307

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Elly Schlein, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State. **deleted**

Or. en

Justification

Once it is clear that an applicant has a strong chance of being granted international protection, he or she should be encouraged to integrate into the host society as quickly as possible. It therefore makes no sense to limit his or her access to the labour market by introducing a labour market test.

Amendment 308
Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State. **deleted**

Or. en

Justification

This deletion aims to bring the text in line with Article 15 point 3 on the obligations of Member States to provide applicants with equal treatment with nationals as regards labour issues. The AM indeed touches upon words that are not in the grey part however these words

have absolutely no meaning if the grey part did not exist.

Amendment 309

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.

deleted

Or. en

Justification

This amendment is inextricably linked to other admissible amendments under the draft report aiming to strengthen the effective access to the labour market for applicants and is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements" is maintained.

Amendment 310

Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.

For reasons of labour market policies, ***and especially regarding youth unemployment levels***, Member States may verify whether a vacancy could be filled, ***through preferential access***, by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.

Justification

This amendment specifies that Member States are able to adopt measures designed to ensure that greater attention is paid to their nationals and EU citizens when it comes to accessing the labour market. It also emphasises the desire to take due account of the problems relating to youth unemployment. This is a highly sensitive issue for EU citizens, and the signatories wish to make clear that, when it comes to accessing the labour market, there will be no special measures or quotas designed to help applicants for international protection to find work more easily than Member State nationals.

Amendment 311
Kinga Gál

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For reasons of labour market policies, Member States may ***verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.***

Amendment

For reasons of labour market policies, Member States may ***give priority to Union citizens and nationals of States party to the Agreement on the European Economic Area, and to legally resident third-country nationals.***

Or. en

Amendment 312
Heinz K. Becker

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For reasons of labour market policies, Member States may ***verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member***

Amendment

For reasons of labour market policies, Member States may ***give priority to Union citizens and nationals of States party to the Agreement on the European Economic Area, and to legally resident third-country nationals.***

State.

Or. en

Justification

The current applicable provisions of directive 2013/33 should be kept. The primary consideration when examining an asylum application are humanitarian needs - economic aspects should be secondary.

Amendment 313

Jussi Halla-aho

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.

Amendment

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State ***and give them priority for vacancies.***

Or. en

Justification

National and Union labour force should always be prioritised in employment policy.

Amendment 314

Jeroen Lenaers

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State concerned or by other Union

Amendment

Without prejudice to paragraph 1, for reasons of labour market policies, Member States may verify whether a vacancy could be filled by nationals of the Member State

citizens, or by third-country nationals lawfully residing in that Member State.

concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State.

Or. en

Amendment 315

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1- introductory part

Text proposed by the Commission

3. Member States shall provide applicants with equal treatment *with* nationals as regards:

Amendment

3. Member States shall provide applicants, with equal treatment to that of nationals, *from the moment they make their application for international protection*, as regards:

Or. en

Amendment 316

Beatrix von Storch

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. Member States *shall* provide applicants with equal treatment *with* nationals as regards:

Amendment

3. Member States *may* provide applicants with equal treatment to that of nationals as regards:

Or. en

Amendment 317

Branislav Škripek

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. Member States shall provide applicants with *equal* treatment *with* nationals as regards:

Amendment

3. Member States shall provide applicants with *adequate* treatment *and not give them priority over* nationals as regards:

Or. en

Amendment 318
Heinz K. Becker

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) working conditions, including pay and dismissal, leave and holidays, as well as health and safety requirements at the workplace;

Amendment

(a) working conditions, including pay and dismissal, *working hours*, leave and holidays, as well as health and safety requirements at the workplace;

Or. en

Amendment 319
Bodil Valero
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, *without prejudice to the national provisions on public policy and public security*;

Amendment

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;

Or. en

Amendment 320

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) education and vocational training, *except study and maintenance grants and loans or other grants and loans related to education and vocational training;*

Amendment

(c) education and vocational training;

Or. it

Amendment 321

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) education and vocational training, except study and maintenance grants and loans or other grants and loans related to education and vocational training;

Amendment

(c) *employment-related education opportunities for adults*, education and vocational training, *including training courses for upgrading skills, practical workplace experience*, except study and maintenance grants and loans or other grants and loans related to education and vocational training;

Or. en

Amendment 322

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) ***education and vocational training, except study and maintenance grants and loans or other grants and loans related to education and vocational training;***

(c) education and vocational training;

Or. en

Amendment 323

Jussi Halla-aho

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications, ***while facilitating, to the extent possible, full access for those applicants who cannot provide documentary evidence of their qualifications to appropriate schemes for the assessment, validation and accreditation of their prior learning.***

(d) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications.

Or. en

Amendment 324

Branislav Škripek

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) ***branches of social security, as defined in Regulation (EC) No 883/2004.***

deleted

Or. en

Amendment 325
Jussi Halla-aho

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) *branches of social security, as defined in Regulation (EC) No 883/2004.* **deleted**

Or. en

Amendment 326
Heinz K. Becker

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) branches of social security, as defined in Regulation (EC) No 883/2004.

(e) branches of social security, as defined in **Article 3 of** Regulation (EC) No 883/2004 **for those applicants who are engaged in gainful economic activity.**

Or. en

Amendment 327
Heinz K. Becker

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Member States may restrict equal treatment of applicants:

Member States may restrict equal treatment of applicants **who have been granted access to the labour market in accordance with paragraph 1:**

Or. en

Amendment 328

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

ii) pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity; *deleted*

Or. it

Amendment 329

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity; *deleted*

Or. en

Amendment 330

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity; *deleted*

Justification

This is a new restriction on access to vocational training. It should be deleted.

Amendment 331

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity; *deleted*

Or. en

Amendment 332

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

iii) pursuant to point (e) of this paragraph by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010. *deleted*

Or. it

Amendment 333

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) pursuant to point (e) of this paragraph by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010. *deleted*

Or. en

Amendment 334

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) pursuant to point (e) of this paragraph by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010. *deleted*

Or. en

Amendment 335

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

The right to equal treatment shall not give rise to a right to reside in cases where a decision taken in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation] has terminated the applicant's right to remain. *deleted*

Or. en

Amendment 336

Jussi Halla-aho

Proposal for a directive

Article 15 – paragraph 4

Text proposed by the Commission

4. Access to the labour market shall not be withdrawn during appeals procedures, *where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.*

Amendment

4. Access to the labour market shall not be withdrawn during appeal procedures, *in order to discourage unfounded appeals with the sole aim of prolonged labour market access.*

Or. en

Justification

The labour market access can constitute a ground for unfounded appeals.

Amendment 337

Beatrix von Storch

Proposal for a directive

Article 15 – paragraph 4

Text proposed by the Commission

4. Access to the labour market *shall* not be withdrawn during appeals procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.

Amendment

4. Access to the labour market *may* not be withdrawn during appeal procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time when a negative decision on the appeal is notified.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 338

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States shall ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment.

Amendment

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States shall ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment. ***If the nature of employment requires the applicant to travel, Member States shall proceed without delay in issuing the applicant with a valid travel document as referred to in Article 6 of this Directive.***

Or. en

Amendment 339

Beatrix von Storch

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States ***shall*** ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment.

Amendment

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States ***may*** ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment.

Or. en

Amendment 340

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Applicants who have been granted access to the labour market in accordance with paragraph 1 shall be allowed to apply for an EU Blue Card in line with the conditions and requirements set out in Directive XXX/XXXX [Blue Card Directive].

Or. en

Justification

This amendment aimed at granting the possibility for applicants to apply for an EU Blue Card is inextricably linked to admissible amendments under the draft report aiming to strengthen the effective access to the labour market for applicants and is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing “secondary movements” is maintained.

Amendment 341

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Applicants who have been granted access to the labour market in accordance with paragraph 1 shall be allowed to apply for a residence permit for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing in line with the conditions set out in

Justification

This amendment aimed at granting the possibility for applicants to apply for a permit for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing in line with the conditions set out in Directive 2016/801 is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements", is maintained.

Amendment 342

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. Member States may allow applicants who have been granted access to the labour market in accordance with paragraph 1 and whose application for asylum has been rejected the possibility to apply in-country for a residence permit issued using the format laid down in Regulation (EC) No 1030/2002 in line with national laws regulating access to the labour market for third country nationals.

Justification

This amendment aimed at granting the possibility for applicants to apply for a permit issued in line with national laws regulating access to the labour market for third-country nationals is inextricably linked to admissible amendments under the draft report aiming to strengthen the effective access to the labour market for applicants and is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements", is maintained.

Amendment 343

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5 d (new)

Text proposed by the Commission

Amendment

5d. Member States shall allow applicants access to vocational training and language courses irrespective of whether they have access to the labour market.

Or. en

Justification

This amendment seeks to ensure that applicants' possibility to access the labour market and effective integration and access to reception conditions are rendered effective by allowing access to language courses from the moment applicants have made their application for international protection. The amendment is inextricably linked to admissible amendments under the draft report aiming at ensuring effective access to the labour market and is necessary for ensuring that the internal logic of the text, aimed at increasing applicants' integration prospects and decreasing "secondary movements", is maintained.

Amendment 344

Jeroen Lenaers

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Language courses

Member States shall provide applicants effective access to language courses as soon as possible, but no later than 6 months, from the date when the application for international protection was made in accordance with the time-limit for decision at the first appeal stage as set out in Regulation (EU) No XXX/XXX [Procedures Regulation].

Priority shall be given to applicants whose application is likely to be well-founded, including when its examination has been prioritised in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States may require applicants to cover or contribute to the cost of such courses in accordance with the conditions set out in Article 16(4) and (5) of this Directive.

Or. en

Justification

Language courses are an important tool to increase an applicants' self-reliance and chances of integration in a host society. Member States should therefore have an obligation to make language courses available as soon as possible and should focus on applicants that have a high probability of receiving asylum. It is necessary to focus on those that have a high probability because a substantive share of the asylum seekers that arrive in Europe today do not have a right to asylum.

Amendment 345

Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Language courses and civic orientation courses

Member States shall provide applicants effective access to language courses and civic education courses free of charge from the date when the application for international protection was made. However, Member States may require applicants to cover or contribute to the cost of such courses in accordance with the conditions set out in Article 16(4) and (5).

Or. it

Justification

An understanding of the language/s and main rights, duties, traditions and customs of the host State are a key tool for promoting the effective integration of the applicant for international protection.

Amendment 346

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Elly Schlein, Soraya Post, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Language courses

Member States shall provide applicants effective access to language courses free of charge from the date when the application for international protection was made.

Or. en

Justification

Language courses for applicants is a positive integration measure. Such courses should always be free for the applicants.

Amendment 347

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume

Proposal for a directive

Article 15 b (new)

Text proposed by the Commission

Amendment

Article 15b

Vocational training

Member States may allow applicants access to vocational training irrespective

of whether they have access to the labour market. Access to vocational training relating to an employment contract shall depend on the extent to which the applicant has access to the labour market in accordance with Article 15.

Or. en

Justification

The Commission has proposed to delete the existing provisions on vocational training and move some elements of those provisions into Article 15(2) on Employment. However, it is clear from the wording of the existing provisions that such vocational training is not dependent on employment or on access to the labour market. The existing provisions should thus be retained.

Amendment 348

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that material reception conditions are available to applicants from the moment they *make their application for international protection in accordance with Article [25] of Regulation (EU) No XXX/XXX [Procedures Regulation]*.

Amendment

1. Member States shall ensure that material reception conditions are available to applicants from the moment they *arrive on the territory of a Member State*.

Or. en

Justification

This Amendment seeks to bring the text in line with the spirit expressed in Recital 7 which deems it essential to clarify that material reception conditions should be made available to applicants as from the moment when the person expresses his or her wish to apply for international protection as the existing text may mislead to the exclusion of people that have not been able to actually table the formal application which, currently, is the biggest part of people in hotspots. Such an exclusion is contradicting the scope and provisions of the Directive.

Amendment 349
Beatrix von Storch

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. Member States **shall** ensure that material reception conditions are available to applicants from the moment they make their application for international protection in accordance with Article [25] of Regulation (EU) No XXX/XXX [Procedures Regulation].

Amendment

1. Member States **may** ensure that material reception conditions are available to applicants from the moment they make their application for international protection in accordance with Article [25] of Regulation (EU) No XXX/XXX [Procedures Regulation].

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 350
Beatrix von Storch

Proposal for a directive
Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States **shall** ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.

Amendment

Member States **may** ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 351

Jussi Halla-aho

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that material reception conditions provide ***an adequate*** standard of living for applicants, which guarantees their subsistence ***and protects their physical and mental health.***

Amendment

Member States shall ensure that material reception conditions provide ***a minimum*** standard of living for applicants, which guarantees their subsistence.

Or. en

Justification

In order to eliminate unwanted pull factors to seek asylum in the EU reception conditions should be kept at a mere minimum level.

Amendment 352

Jussi Halla-aho

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that that standard of living is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.

Amendment

deleted

Or. en

Justification

Member States cannot be required to tailor the reception conditions in those cases where an applicant is detained or is deemed to be in need of special reception needs because this would cause too much burden on public finances.

Amendment 353
Beatrix von Storch

Proposal for a directive
Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States **shall** ensure that that standard of living is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.

Amendment

Member States **may** ensure that that standard of living is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 354

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive
Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that that standard of living is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.

Amendment

Member States shall ensure that that standard of living is met in the specific situation of applicants with special reception needs, **such as minors**, as well as in relation to the situation of persons who are in detention.

Or. en

Justification

This Amendment aims at emphasising the need for minors, as the most vulnerable group of

applicants with special reception needs, to be provided with a standard of living that guarantees their subsistence and protects their health.

Amendment 355
Jussi Halla-aho

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States *may* make the provision of all or some of the material reception conditions subject to the condition that applicants *do not have sufficient means to have a standard of living adequate for their health and* to enable their subsistence.

Amendment

3. Member States *shall* make the provision of all or some of the material reception conditions subject to the condition that applicants *or their family members, as defined in Article 2(3) and when present in the Member State, do not have sufficient means* to enable their subsistence.

Or. en

Justification

Self-reliance of applicants shall be encouraged in every way. Social benefits should be granted only to those applicants who have no other way to cover for their daily needs.

Amendment 356
József Nagy

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States may make the provision of all or some of the material reception conditions subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.

Amendment

3. Member States may make the provision of all or some of the material reception conditions *and health care* subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.

Or. en

Amendment 357

Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Member States may require applicants to cover or contribute to the cost of the material reception conditions provided for in paragraph 3, if the applicants have sufficient resources, for example if they have been working for a reasonable period of time.

Amendment

Member States may require applicants to cover or contribute to the cost of the material reception conditions provided for in paragraph 3, if the applicants have sufficient resources, for example if they have been working for a reasonable period of time. ***Should the applicants not have sufficient resources, the competent national authorities, in agreement with local authorities, may facilitate the employment of applicants for international protection, on a voluntary basis, in socially-beneficial activities geared to the specific requirements of the host territorial communities.***

Or. it

Justification

The presence of applicants for international protection will be better accepted by the local communities that host them if they are carrying on socially-beneficial activities, which will facilitate their integration and give them a better grasp of the social and economic situation in the area they are living.

Amendment 358

Jussi Halla-aho

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Member States ***may*** require applicants to cover or contribute to the cost of the material reception conditions provided ***for in paragraph 3***, if the applicants have

Amendment

Member States ***shall*** require applicants ***or their family members*** to cover or contribute to the cost of the material reception conditions provided, if the

sufficient resources, for example if they have been working for a reasonable period of time.

applicants *or their family members* have sufficient resources, for example if they have been working for a reasonable period of time.

Or. en

Justification

In order to lower the financial burden of asylum seekers on the public sector applicants should be required to independently cover their daily living costs whenever possible.

Amendment 359

József Nagy

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Member States may require applicants to cover or contribute to the cost of the material reception conditions provided for in paragraph 3, if the applicants have sufficient resources, for example if they have been working for a reasonable period of time.

Amendment

Member States may require applicants to cover or contribute to the cost of the material reception conditions *and of the health care* provided for in paragraph 3, if the applicants have sufficient resources, for example if they have been working for a reasonable period of time.

Or. en

Amendment 360

Jussi Halla-aho

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 2

Text proposed by the Commission

If it transpires that an applicant had sufficient means to cover material reception conditions at the time when those basic needs were being covered, Member States *may* ask the applicant for a refund.

Amendment

If it transpires that an applicant *or their family members* had sufficient means to cover material reception conditions at the time when those basic needs were being covered, Member States *shall* ask the applicant for a refund.

Justification

Social benefits must be reimbursed by the applicant if they have been granted on false grounds.

Amendment 361

József Nagy

Proposal for a directive**Article 16 – paragraph 4 – subparagraph 2***Text proposed by the Commission*

If it transpires that an applicant had sufficient means to cover material reception conditions at the time when those basic needs were being covered, Member States may ask the applicant for a refund.

Amendment

If it transpires that an applicant had sufficient means to cover material reception conditions **and health care** at the time when those basic needs were being covered, Member States may ask the applicant for a refund.

Or. en

Amendment 362

Jussi Halla-aho

Proposal for a directive**Article 16 – paragraph 5***Text proposed by the Commission*

5. When assessing the resources of an applicant, when requiring ***an applicant*** to cover or contribute to the cost of the material reception conditions or when asking ***an applicant*** for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall ***also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs.***

Amendment

5. When assessing the resources of an applicant ***or his or her family members***, when requiring ***those*** to cover or contribute to the cost of the material reception conditions or when asking ***them*** for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence.

Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence *and protects his or her physical and mental health*.

Or. en

Amendment 363

József Nagy

Proposal for a directive Article 16 – paragraph 5

Text proposed by the Commission

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. *Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.*

Amendment

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions *and of the health care* or when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs.

Or. en

Amendment 364

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive Article 16 – paragraph 5

Text proposed by the Commission

5. ***When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or*** when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. ***Member States shall also*** take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Amendment

5. When asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality ***and*** take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Or. en

Amendment 365

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Elly Schlein, Anna Hedh, Cécile Kshetu Kyenge

**Proposal for a directive
Article 16 – paragraph 5**

Text proposed by the Commission

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States shall ***observe*** the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is

Amendment

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States shall ***fully respect*** the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is

provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Or. en

Amendment 366
Beatrix von Storch

Proposal for a directive
Article 16 – paragraph 5

Text proposed by the Commission

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States **shall** observe the principle of proportionality. Member States **shall** also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States **shall** in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Amendment

5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States **may** observe the principle of proportionality. Member States **may** also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States **may** in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Or. en

Amendment 367
Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Article 16 – paragraph 5

Text proposed by the Commission

5. When assessing the resources of an

Amendment

5. When assessing the resources of an

applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with *a* standard of living ***which guarantees his or her subsistence and protects his or her physical and mental health.***

applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with *an adequate* standard of living ***as defined in this Directive.***

Or. it

Amendment 368
Jussi Halla-aho

Proposal for a directive
Article 16 – paragraph 6

Text proposed by the Commission

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive. ***Member States shall inform the Commission and the European Union Agency for Asylum of the levels of reference applied by national law or***

Amendment

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive.

practice with a view to determining the level of financial assistance provided to applicants in accordance with this paragraph.

Or. en

Amendment 369
Kinga Gál

Proposal for a directive
Article 16 – paragraph 6

Text proposed by the Commission

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive. ***Member States shall inform the Commission and the European Union Agency for Asylum of the levels of reference applied by national law or practice with a view to determining the level of financial assistance provided to applicants in accordance with this paragraph.***

Amendment

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive.

Or. en

Amendment 370
Beatrix von Storch

Proposal for a directive
Article 16 – paragraph 6

Text proposed by the Commission

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive. Member States **shall** inform the Commission and the European Union Agency for Asylum of the levels of reference applied by national law or practice with a view to determining the level of financial assistance provided to applicants in accordance with this paragraph.

Amendment

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by the practice to ensure adequate standards of living for nationals. Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive. Member States **may** inform the Commission and the European Union Agency for Asylum of the levels of reference applied by national law or practice with a view to determining the level of financial assistance provided to applicants in accordance with this paragraph.

Or. en

Amendment 371
Beatrix von Storch

Proposal for a directive
Article 17 – paragraph 2 – introductory part

Text proposed by the Commission

2. Without prejudice to any specific conditions of detention as provided for in Articles 10 and 11, in relation to housing referred to in paragraph 1(a), (b) and (c) of this Article Member States **shall** ensure that:

Amendment

2. Without prejudice to any specific conditions of detention as provided for in Articles 10 and 11, in relation to housing referred to in paragraph 1(a), (b) and (c) of this Article Member States **may** ensure that:

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 372

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 2 – point b

Text proposed by the Commission

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR ***and other relevant national, international and non-governmental organisations and bodies;***

Amendment

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR.

Or. en

Justification

Many national or international entities or NGOs have a biased view on the asylum process. Therefore it's necessary to keep these entities apart from the asylum process to ensure its proper functioning.

Amendment 373

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 2 – point c

Text proposed by the Commission

(c) family members, legal advisers or counsellors, persons representing UNHCR ***and relevant non-governmental organisations recognised by the Member State concerned*** are granted access in order to assist the applicants. Limits on such access may be imposed only on grounds relating to the security of the

Amendment

(c) family members, legal advisers or counsellors, persons representing UNHCR are granted access in order to assist the applicants. Limits on such access may be imposed only on grounds relating to the security of the premises and of the applicants.

premises and of the applicants.

Or. en

Justification

Many known NGOs have been active in distracting and hampering effective asylum process. Therefore it is not advisable to involve them into the process.

Amendment 374

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 3

Text proposed by the Commission

3. Member States shall take into consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions.

Amendment

3. Member States shall take into consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions. ***However, the treatment of applicants shall not be more favourable than the treatment generally accorded to the residents and nationals of the Member State in comparable situations and matters.***

Or. en

Justification

To ensure public trust in immigration policies, those applying for international protection should not be entitled to special treatment by the authorities.

Amendment 375

Beatrix von Storch

Proposal for a directive

Article 17 – paragraph 3

Text proposed by the Commission

3. Member States ***shall*** take into

Amendment

3. Member States ***may*** take into

consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions.

consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 376

Ulrike Lunacek, Daniele Viotti

Proposal for a directive

Article 17 – paragraph 4

Text proposed by the Commission

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

Amendment

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation *as well as all forms of violence committed with a bias and discriminatory motive related to the victims' personal characteristics as set out in Article 22(3) of Directive 2012/29/EU.*

Or. en

Justification

LGBTI people need to be protected from homo-transphobic assaults.

Amendment 377

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment ***towards applicants and nationals alike*** when providing accommodation ***and leisure possibilities***.

Or. en

Justification

The increase in number of aggravated crimes perpetrated by asylum seekers is a proven fact which demands strong reaction from national authorities.

Amendment 378
Beatrix von Storch

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States ***shall*** take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

4. Member States ***may*** take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 379
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive
Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall provide separate sanitary facilities for female applicants and safe place in reception centres for them and their children.

Or. en

Justification

This amendment aims at strengthening the provision included in paragraph 4 as a means to prevent assault and gender-based violence, including sexual assault and harassment, from happening.

Amendment 380
Beatrix von Storch

Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States **shall** ensure, as far as possible, that dependent adult applicants with special reception needs are accommodated together with close adult relatives who are already present in the same Member State and who are responsible for them whether by law or by the practice of the Member State concerned.

5. Member States **may** ensure, as far as possible, that dependent adult applicants with special reception needs are accommodated together with close adult relatives who are already present in the same Member State and who are responsible for them whether by law or by the practice of the Member State concerned.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 381
Beatrix von Storch

Proposal for a directive
Article 17 – paragraph 6

Text proposed by the Commission

6. Member States **shall** ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal advisers or counsellors of the transfer and of their new address.

Amendment

6. Member States **may** ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal advisers or counsellors of the transfer and of their new address.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 382
Jussi Halla-aho

Proposal for a directive
Article 17 – paragraph 7

Text proposed by the Commission

7. Persons providing material reception conditions, including those working in accommodation centres, shall be adequately trained and shall be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.

Amendment

7. Persons providing material reception conditions, including those working in accommodation centres, shall be adequately trained and shall be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.
However, sufficiently anonymised data concerning the material reception conditions provided shall be made publically available on a regular basis by the competent authorities, as defined in Article 26, for public scrutiny.

Justification

The public has the right to receive accurate information about the costs caused by the applicants' reception needs.

Amendment 383

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 7

Text proposed by the Commission

7. Persons providing material reception conditions, including those working in accommodation centres, shall be adequately trained and shall be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.

Amendment

7. Persons providing material reception conditions, including ***health care and education, and*** those working in accommodation centres, shall be adequately trained and shall be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.

Or. en

Amendment 384

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 8

Text proposed by the Commission

8. Member States ***may*** involve applicants in managing the material resources and non-material aspects of life in the centre ***through an advisory board or council representing residents.***

Amendment

8. Member States ***shall*** involve applicants in managing the material resources and non-material aspects of life in the centre.

Or. en

Justification

Applicants shall be encouraged to be active at asylum centres. Setting up advisory bodies on the other hand can lead to social tensions at the centre.

Amendment 385

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 1 – introductory part

Text proposed by the Commission

9. In duly justified cases, Member States may exceptionally set modalities for material reception conditions *different from* those provided for in this Article, for a reasonable period which shall be as short as possible, when:

Amendment

9. In duly justified cases, Member States may exceptionally set modalities for material reception conditions *inferior to* those provided for in this Article, for a reasonable period which shall be as short as possible, when:

Or. en

Justification

Member States should be allowed to grant inferior material reception conditions for applicants if this is required to keep the reception costs within reasonable limits.

Amendment 386

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 1 – point b

Text proposed by the Commission

(b) housing capacities normally available are temporarily exhausted.

Amendment

(b) *moderately priced* housing capacities normally available are temporarily exhausted.

Or. en

Justification

The use of expensive housing, even if such were available, would be harmful not only to

public finances but also to public trust in the asylum policies.

Amendment 387

Miltiadis Kyrkos

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) material reception conditions, as provided for in this Article, are not available in a certain geographical area.

Or. en

Justification

It is imperative to take into account the fact that MS at the external sea borders are not in a position to provide in full the reception conditions provided for in the Directive.

Amendment 388

Miltiadis Kyrkos

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the Member State is confronted by an emergency situation characterised by a sudden inflow of nationals of third countries

Or. en

Justification

This provision intends to deal with the situation whereby a Member State is confronted with a sudden inflow of third country nationals. In this type of emergencies, different reception conditions may be exceptionally provided for a reasonable period of time.

Amendment 389

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Such different conditions shall in any circumstances ensure access to health care in accordance with Article 18 and *a dignified* standard of living for all applicants.

Amendment

Such different conditions shall in any circumstances ensure *free* access to *primary and secondary* health care, *including sexual and reproductive health care*, in accordance with Article 18 and *an adequate* standard of living for all applicants.

Or. en

Amendment 390

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 2

Text proposed by the Commission

Such different conditions shall in any circumstances ensure access to health care in accordance with Article 18 and *a dignified* standard of living for all applicants.

Amendment

Such different conditions shall in any circumstances ensure access to health care in accordance with Article 18 and *an adequate* standard of living *as defined in this Directive* for all applicants.

Or. it

Amendment 391

Jussi Halla-aho

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 3

Text proposed by the Commission

When resorting to those exceptional measures, the Member State concerned

Amendment

deleted

shall inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

Or. en

Amendment 392

Kinga Gál

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 3

Text proposed by the Commission

Amendment

When resorting to those exceptional measures, the Member State concerned shall inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

deleted

Or. en

Amendment 393

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 3

Text proposed by the Commission

Amendment

When resorting to those exceptional measures, the Member State concerned shall inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

When resorting to those exceptional measures, the Member State concerned shall *issue a reasoned justification and* inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional

measures have ceased to exist.

Or. en

Amendment 394

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 17 – paragraph 9 – subparagraph 3

Text proposed by the Commission

When resorting to those exceptional measures, the Member State concerned shall inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

Amendment

When resorting to those exceptional measures, the Member State concerned shall inform the Commission and the European Union Agency for Asylum *without delay*. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

Or. en

Amendment 395

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 17a

Text proposed by the Commission

Article 17a

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

Amendment

deleted

2. *Member States shall ensure a dignified standard of living for all applicants.*

3. *Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.*

Or. it

Amendment 396

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17a

Text proposed by the Commission

Amendment

Article 17a

deleted

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. *An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].*

2. *Member States shall ensure a dignified standard of living for all applicants.*

3. *Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.*

Or. en

Justification

The derogation introduced by Article 17a is in contravention with the reasoning of the CJEU in Cimade and Gisti, as it attempts to exclude certain asylum seekers from benefits which are made available by the Directive to individuals as a corollary of their asylum seeker status in the Reception Conditions Directive.

Amendment 397

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 17a – Title

Text proposed by the Commission

Amendment

Article 17a

deleted

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

2. Member States shall ensure a dignified standard of living for all applicants.

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.

Or. en

Amendment 398

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Cécile Kashetu Kyenge

Proposal for a directive

Article 17a – paragraph 1

Text proposed by the Commission

Amendment

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]. **deleted**

Or. en

Justification

The Commission's notion of distinguishing between an adequate standard of living and a dignified standard of living can lead only to confusion and additional administrative burden for Member State authorities. In any event, all applicants should receive an adequate standard of living.

Amendment 399
Emil Radev

Proposal for a directive
Article 17a – paragraph 1

Text proposed by the Commission

Amendment

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 **in any Member State other than the one in which he or she is required to be present in accordance with** Regulation (EU) No XXX/XXX [Dublin Regulation].

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 **if they fail to meet their obligations under** Regulation (EU) No XXX/XXX [Dublin Regulation].

Or. bg

Amendment 400
Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Cécile Kashetu Kyenge

Proposal for a directive
Article 17a – paragraph 2

Text proposed by the Commission

Amendment

2. *Member States shall ensure a dignified standard of living for all applicants.* **deleted**

Or. en

Justification

The Commission's notion of distinguishing between an adequate standard of living and a dignified standard of living can lead only to confusion and additional administrative burden for Member State authorities. In any event, all applicants should receive an adequate standard of living.

Amendment 401
Jussi Halla-aho

Proposal for a directive
Article 17a – paragraph 2

Text proposed by the Commission

Amendment

2. *Member States shall ensure a dignified standard of living for all applicants.* **deleted**

Or. en

Amendment 402
Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a directive
Article 17a – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure *a dignified* standard of living for all applicants.

2. Member States shall ensure *an adequate* standard of living for all applicants.

Or. it

Amendment 403
Beatrix von Storch

Proposal for a directive
Article 17a – paragraph 2

Text proposed by the Commission

2. Member States **shall** ensure a dignified standard of living for all applicants.

Amendment

2. Member States **may** ensure a dignified standard of living for all applicants.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 404
Jussi Halla-aho

Proposal for a directive
Article 17a – paragraph 3

Text proposed by the Commission

3. *Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.*

Amendment

deleted

Or. en

Amendment 405
Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon

Proposal for a directive
Article 17a – paragraph 3

Text proposed by the Commission

Amendment

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities. **deleted**

Or. en

Justification

The Commission's notion of distinguishing between an adequate standard of living and a dignified standard of living can lead only to confusion and additional administrative burden for Member State authorities. In any event, all applicants should receive an adequate standard of living.

Amendment 406

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck

Proposal for a directive Article 17a – paragraph 3

Text proposed by the Commission

Amendment

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.

3. This article shall not apply to unaccompanied minors. When the applicants concerned are parents of minors, Member States may derogate from this article taking into account the best interests of the child, as this provision restricts access to education, equal treatment and material reception conditions such as housing, food and clothing.

Or. en

Justification

The punitive measures that this new article tries to introduce would exclude the applicants concerned from employment, material reception conditions and access to the education system, thereby disproportionately affecting minors. This could amount to discriminatory

treatment under the UN Convention on the Rights of the Child (art. 2(1) [non-discrimination] combined with art. 27(1) [adequate standard of living] and 28(1) [right to equal access to education]). Therefore, the derogation by Member States should always be conducted taking into account the best interest of the child.

Amendment 407

Jussi Halla-aho

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive ***the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.***

Amendment

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive ***only*** emergency care and ***acute*** treatment of ***severe illnesses.***

Or. en

Justification

Due to severe challenges for the national health care systems of the Member States caused primarily by the ageing of the European populations the health care services provided to asylum seekers must be restricted.

Amendment 408

Beatrix von Storch

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least,

Amendment

1. Member States ***may*** ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least,

emergency care and essential treatment of illnesses, including of serious mental disorders.

emergency care and essential treatment of illnesses, including of serious mental disorders.

Or. en

Amendment 409

Elly Schlein

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that applicants, *irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]*, receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.

Amendment

1. Member States shall ensure that applicants, *under the same conditions as their own nationals, from the date when the application for international protection was made*, receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.

Or. en

Amendment 410

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that minor children of applicants and applicants who are minors receive the same access to health care as their own national minors.

Or. en

Justification

This Amendment seeks to align this article to Art. 2(1) [non-discrimination] and art. 27(1) [adequate standard of living] and 28(1) [right to equal access to education] of the UN Convention on the Rights of the Child.

Amendment 411

Jussi Halla-aho

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.

Amendment

2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs ***and who are present in a Member State in which they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]***, including appropriate mental health care where needed. ***Such assistance shall not be superior in scope or content to that provided to residents of the Member State in comparable situations.***

Or. en

Justification

Applicants with special reception needs who illegally move between Member States should lose their right to use medical or other assistance. Even if services are granted, they cannot in their scope violate the equality between nationals and applicants for international protection.

Amendment 412

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall provide ***necessary*** medical or other assistance to

Amendment

2. Member States shall provide medical or other assistance to applicants

applicants who have special reception needs, including appropriate mental health care where needed.

who have special reception needs, including appropriate mental health care where needed ***and rehabilitation services to victims of gender-based harm, torture, rape or other serious forms of psychological, physical or sexual violence.***

Or. en

Justification

This adapts the provisions on healthcare to a strengthened framework for the treatment of applicants with special reception needs and hence follows from the logic of the text.

Amendment 413
Beatrix von Storch

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States ***shall*** provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.

Amendment

2. Member States ***may*** provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 414
Heinz K. Becker

Proposal for a directive
Chapter 3 – title

Text proposed by the Commission

Amendment

REPLACEMENT, REDUCTION OR
WITHDRAWAL OF MATERIAL
RECEPTION CONDITIONS

REDUCTION OR WITHDRAWAL OF
MATERIAL RECEPTION CONDITIONS

Or. en

Justification

As we propose in our relevant admissible amendments to delete the option of “Replacement” of material reception conditions it is consistent to also delete it from the title of the article that deals with it (or as we propose: shouldn’t deal with it).

Amendment 415

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. With regard to applicants *who are required to be present on their territory in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]*, Member States may, in the situations described in paragraph 2 :

1. With regard to applicants, Member States may, in the situations described in paragraph 2, *and on the basis of a decision of judicial authorities*:

Or. en

Amendment 416

Jussi Halla-aho

Proposal for a directive

Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. With regard to applicants who are required to be present on their territory in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], Member

1. With regard to applicants who are required to be present on their territory in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], Member

States *may*, in the situations described in paragraph 2 :

States *shall*, in the situations described in paragraph 2 :

Or. en

Justification

Member States shall be required to adjust the level of the material reception conditions in cases where the applicant has not adhered to the rules of the EU asylum acquis.

Amendment 417

Heinz K. Becker

Proposal for a directive

Article 19 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *replace accommodation, food, clothing and other essential non-food items provided in the form of financial allowances and vouchers, with material reception conditions provided in kind; or*

deleted

Or. en

Amendment 418

Cornelia Ernst, Martina Anderson

Proposal for a directive

Article 19 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *replace accommodation, food, clothing and other essential non-food items provided in the form of financial allowances and vouchers, with material reception conditions provided in kind; or*

(a) *replace accommodation provided in the form of financial allowances and vouchers, with material reception conditions provided in kind; or*

Or. en

Amendment 419
Cornelia Ernst, Martina Anderson

Proposal for a directive
Article 19 – paragraph 1 – point b

Text proposed by the Commission

(b) reduce or, in exceptional and duly justified cases, withdraw the daily allowances.

Amendment

(b) reduce or, in exceptional and duly justified cases, withdraw the daily allowances, ***while still guaranteeing a dignified standard of living.***

Or. en

Justification

Linked to my AM on Article 19(1)(a).

Amendment 420
Heinz K. Becker

Proposal for a directive
Article 19 – paragraph 1 – point b

Text proposed by the Commission

(b) reduce or, in exceptional and duly justified cases, withdraw the daily allowances.

Amendment

(b) reduce or, in exceptional and duly justified cases, withdraw ***material reception conditions or*** the daily allowances.

Or. en

Amendment 421
József Nagy

Proposal for a directive
Article 19 – paragraph 1 – point b

Text proposed by the Commission

(b) reduce or, in exceptional and duly justified cases, withdraw the daily

Amendment

(b) reduce or, in exceptional and duly justified cases, withdraw ***material reception conditions or*** the daily

allowances.

allowances.

Or. en

Amendment 422

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) reduce or, in exceptional and duly justified cases, withdraw the daily allowances.

(b) reduce or, in exceptional and duly justified cases, withdraw the daily *expenses* allowances.

Or. en

Amendment 423

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or *absconds*; or

(a) abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or *without justification*; or

Or. en

Amendment 424

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) *has seriously breached the rules of the accommodation centre or behaved in a seriously violent way; or* **deleted**

Or. en

Amendment 425

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) has seriously breached the rules of the accommodation centre or behaved in a seriously violent way; or

(e) has ***repeatedly, intentionally and*** seriously breached the rules of the accommodation centre or behaved in a seriously violent way; or

Or. en

Amendment 426

Jussi Halla-aho

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) has ***seriously*** breached the rules of the accommodation centre or behaved in a ***seriously*** violent way; or

(e) has breached the rules of the accommodation centre or behaved in a violent way; or

Or. en

Amendment 427

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *fails to attend compulsory
integration measures; or* *deleted*

Or. it

Amendment 428

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *fails to attend compulsory
integration measures; or* *deleted*

Or. en

Justification

Providing Member States with the power to sanction asylum seekers who do not follow compulsory integration measures entails risks of arbitrary restrictions on their living conditions.

Amendment 429

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *fails to attend compulsory
integration measures; or* (f) *intentionally* *fails to attend
compulsory integration measures; or*

Or. en

Amendment 430

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) *has not complied with the obligation set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and has travelled to another Member State without adequate justification and made an application there; or* *deleted*

Or. it

Amendment 431

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) *has not complied with the obligation set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and has travelled to another Member State without adequate justification and made an application there; or* *deleted*

Or. en

Amendment 432

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) *has not complied with the obligation set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and has travelled to another Member State without adequate justification and made an application there; or* ***deleted***

Or. en

Amendment 433

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) *has been sent back after having absconded to another Member State.* ***deleted***

Or. it

Amendment 434

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) *has been sent back after having absconded to another Member State.* ***deleted***

Or. en

Amendment 435

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) has been sent back after having absconded to another Member State. **deleted**

Or. en

Amendment 436
Jussi Halla-aho

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) has been sent back after having absconded to another Member State. **(h) has been sent back after having absconded to another Member State; or**

Or. en

Amendment 437
Jussi Halla-aho

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) has travelled to a conflict zone without generally acceptable justification for such travel.

Or. en

Justification

It undermines the credibility and legitimacy of the asylum system, if applicants travel back to the regions from which they, according to their own words, were forced to flee.

Amendment 438

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstatement of the grant of some or all of the material reception conditions replaced, withdrawn or reduced. *deleted*

Or. it

Amendment 439

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstatement of the grant of some or all of the material reception conditions replaced, withdrawn or reduced. *deleted*

Or. en

Amendment 440

Jussi Halla-aho

Proposal for a directive

Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstallation of the grant of some or all of the material reception conditions replaced, withdrawn or reduced.

Amendment

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, ***such as a documented serious illness of the applicant***, shall be taken on the reinstallation of the grant of some or all of the material reception conditions replaced, withdrawn or reduced.

Or. en

Justification

Only a satisfactory explanation, for example a serious illness, can be seen as a satisfactory reason to reinstate the material reception conditions.

Amendment 441
Heinz K. Becker

Proposal for a directive
Article 19 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstallation of the grant of some or all of the material reception conditions ***replaced***, withdrawn or reduced.

Amendment

In relation to points (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstallation of the grant of some or all of the material reception conditions withdrawn or reduced.

Or. en

Amendment 442
Heinz K. Becker

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

3. Decisions for **replacement**, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a dignified standard of living for all applicants.

Amendment

3. Decisions for reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a dignified standard of living for all applicants.

Or. en

Amendment 443

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a directive

Article 19 – paragraph 3

Text proposed by the Commission

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs , taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure **a dignified** standard of living for all applicants.

Amendment

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs , taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure **an adequate** standard of living for all applicants.

Or. it

Justification

Use of the adjective ‘dignified’ to describe the standard of living that applicants ought to be guaranteed through the adoption of harmonised conditions for their reception, without specifying what this means, could lead to disputes involving those concerned.

Amendment 444 **Branislav Škripek**

Proposal for a directive **Article 19 – paragraph 3**

Text proposed by the Commission

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure *a dignified* standard of living for all applicants.

Amendment

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure *an adequate* standard of living for all applicants.

Or. en

Justification

For consistency of wording, the word non-specific word ‘dignified’ is replaced with ‘adequate’, indicating that a necessary standard of living is provided. This is to be consistent with our amendment to Article 15, paragraph 3, introductory part.

Amendment 445 **Jussi Halla-aho**

Proposal for a directive **Article 19 – paragraph 3**

Text proposed by the Commission

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a **dignified** standard of living for all applicants.

Amendment

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a **minimum** standard of living for all applicants.

Or. en

Justification

In order to tackle asylum shopping and to decrease pressure on public finances Member States should have as their ambition to apply only minimum standards when providing reception conditions for asylum seekers.

Amendment 446

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 3

Text proposed by the Commission

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, **especially with regard to applicants with special reception needs, taking into account the principle of**

Amendment

3. Decisions for replacement, reduction or withdrawal of material reception conditions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, **taking into account the principle of proportionality and cannot be applied in relation to applicants with**

proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a dignified standard of living for all applicants.

special reception needs. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a dignified standard of living for all applicants.

Or. en

Justification

The amendment should be admissible because it is inextricably linked to other admissible amendments that specifies guarantees for vulnerable persons, as well as general procedural guarantees, including the principle of proportionality and necessity.

Amendment 447

Heinz K. Becker

Proposal for a directive Article 19 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that material reception conditions are not **replaced**, withdrawn or reduced before a decision is taken in accordance with paragraph 3.

Amendment

4. Member States shall ensure that material reception conditions are not withdrawn or reduced before a decision is taken in accordance with paragraph 3.

Or. en

Amendment 448

Beatrix von Storch

Proposal for a directive Article 19 – paragraph 4

Text proposed by the Commission

4. Member States **shall** ensure that material reception conditions are not replaced, withdrawn or reduced before a decision is taken in accordance with paragraph 3.

Amendment

4. Member States **may** ensure that material reception conditions are not replaced, withdrawn or reduced before a decision is taken in accordance with paragraph 3.

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 449

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Christine Revault D'Allonnes Bonnefoy, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive**Article 20 – paragraph 1***Text proposed by the Commission*

Member States shall take into account the specific situation of applicants with special reception needs in the national law implementing this Directive.

Amendment

Member States shall take into account the specific situation of applicants with special reception needs, ***as defined in Article 2***, in the national law implementing this Directive. ***Member States shall systematically assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs. Member States shall also ensure that applicants can indicate themselves that they have special needs and that these indications are assessed. That assessment shall be integrated into the assessment referred to in [the Asylum Procedures Regulation], which may take place within existing national procedures. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.***

Justification

Member States should continuously assess whether an applicant has special reception needs,

and nothing should prevent applicants from informing the Member States' authorities of their special needs requirements. Furthermore, as Member States are required to assess applicants with special needs in the context of the Asylum Procedures Regulation, it is both administratively preferable and easier for the applicant if the assessment of special reception needs is carried out simultaneously with the assessment of special needs for the procedure. The two assessments should in fact be conducted as a continuum, with the aim of avoiding additional procedural layers and ensuring a holistic examination of the applicant's needs.

Amendment 450

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 20 – paragraph 1

Text proposed by the Commission

Member States shall take into account the specific situation of applicants with special reception needs in the national law implementing this Directive.

Amendment

Member States shall ***ensure the applicant's right to be heard in relation to their specific reception needs and shall*** take into account the specific situation of applicants with special reception needs in the national law implementing this Directive.

Or. en

Justification

The amendment should be admissible because it is inextricably linked to other admissible amendments that specifies guarantees for vulnerable persons, as well as general procedural guarantees, including applicants' right to be heard.

Amendment 451

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to better ensure their physical and psychological integrity, applicants with special reception needs shall not be

detained.

Or. en

Justification

This amendment seeks to improve the treatment of applicants with special reception needs and follows in this regard the logic of the text and is inextricably linked to other amendments seeking to strengthen the provisions on the deprivation of personal freedom.

Amendment 452

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to effectively implement Article 20, Member States shall systematically assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs.

Amendment

In order to effectively implement Article 20, Member States shall systematically assess whether the applicant is an applicant with special reception needs, ***with the assistance of a qualified interpreter where needed.*** Member States shall also indicate the nature of such needs, ***measures to be taken to respond to them and the authorities responsible for such a response.***

Or. en

Justification

This amendment is inextricably linked to admissible amendments of the draft report seeking to improve conditions for applicants with special reception needs.

Amendment 453

József Nagy

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to effectively implement Article 20, Member States shall systematically assess whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs.

Amendment

In order to effectively implement Article 20, Member States shall systematically assess, ***once an application for international protection is made***, whether the applicant is an applicant with special reception needs. Member States shall also indicate the nature of such needs.

Or. en

Amendment 454
Beatrix von Storch

Proposal for a directive
Article 21 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to effectively implement Article 20, Member States ***shall*** systematically assess whether the applicant is an applicant with special reception needs. Member States ***shall*** also indicate the nature of such needs.

Amendment

In order to effectively implement Article 20, Member States ***may*** systematically assess whether the applicant is an applicant with special reception needs. Member States ***may*** also indicate the nature of such needs.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 455
Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That assessment shall be initiated as early

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Amendment

That assessment shall be initiated as early

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as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure, ***or if the applicant expresses a reasoned request to have his or her special reception needs reassessed.***

Or. en

Justification

This amendment is seeks to improve procedural rights of applicants with special reception needs and is as such linked to admissible amendments seeking to improve both the conditions for applicants with special reception needs and procedural rights in general.

Amendment 456 **József Nagy**

Proposal for a directive **Article 21 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

That assessment shall be initiated as ***early*** as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

Amendment

That assessment shall be initiated as ***soon*** as possible ***by a competent authority*** after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

Or. en

Amendment 457

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Anna Hedh

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That assessment shall be initiated as early as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

Amendment

That assessment shall be initiated as early as possible, **and no later than 30 days**, after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

Or. en

Justification

It is important to set a clear time line within which Member States shall evaluate the special needs of applicants to provide legal clarity for national authorities and applicants alike.

Amendment 458

Beatrix von Storch

Proposal for a directive

Article 21 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That assessment **shall** be initiated as early as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States **shall** ensure that those

Amendment

That assessment **may** be initiated as early as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in Article [19] of Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States **may** ensure that those

special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 459
Beatrix von Storch

Proposal for a directive
Article 21 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States *shall* ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.

Amendment

Member States *may* ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 460
Beatrix von Storch

Proposal for a directive
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of paragraph 1, Member States **shall** ensure that the personnel of the authorities referred to in Article 26:

Amendment

2. For the purposes of paragraph 1, Member States **may** ensure that the personnel of the authorities referred to in Article 26:

Or. en

Amendment 461

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) are trained and continues to be trained to detect first signs that an applicant requires special receptions conditions and to address those needs when identified;

Amendment

(a) are trained and continues to be trained to **proactively** detect first signs that an applicant requires special receptions conditions and to address those needs when identified;

Or. en

Amendment 462

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) effectively provide the applicant with the possibility to submit his or her observations on the need to benefit from special reception support;

Or. en

Justification

The amendment should be admissible because it is inextricably linked to other admissible amendments that specifies guarantees for vulnerable persons, as well as general procedural guarantees, including applicants' right to be heard.

Amendment 463

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 21 – paragraph 2 – point b

Text proposed by the Commission

(b) include information concerning the applicant's special reception needs in the applicant's file, together with the indication of the signs referred to in point (a) as well as recommendations as to the type of support that may be needed by the applicant;

Amendment

(b) include information concerning the applicant's special reception needs in the applicant's file, together with the indication of the signs referred to in point (a) ***and the applicant's submissions referred to in point (aa)*** as well as recommendations as to the type of support that may be needed by the applicant;

Or. en

Amendment 464

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 21 – paragraph 2 – point c

Text proposed by the Commission

(c) refer applicants to a doctor or a psychologist for further assessment of their psychological and physical state where there are indications that applicants may have been victim of torture, rape or of another serious form of psychological, physical or sexual violence and that this could affect the reception needs of the applicant; and

Amendment

(c) refer applicants to a doctor or a psychologist ***trained in carrying out such an assessment***, for further assessment of their psychological and physical state ***with the support of a qualified interpreter*** where there are indications that applicants may have been victim of ***gender-based harm***, torture, rape or of another serious form of psychological, physical, ***bias-motivated*** or sexual ***and gender-based*** violence and that this could affect the

reception needs of the applicant; and

Or. en

Amendment 465

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 21 – paragraph 2 – point d

Text proposed by the Commission

(d) take into account the result of that examination when deciding on the type of special reception support which may be provided to the applicant.

Amendment

(d) take into account the result of that examination, ***including the applicant's considerations on the need to benefit from special reception support***, when deciding on the type of special reception support which may be provided to the applicant. ***The decision on the provision of special reception support shall be duly justified.***

Or. en

Amendment 466

Anna Maria Corazza Bildt, Caterina Chinnici, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Hilde Vautmans, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive

Article 22 – paragraph 1

Text proposed by the Commission

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that ***involve*** minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Amendment

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that ***may affect*** minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Or. en

Justification

Many provisions of this Directive do not apply to minors directly but may affect them indirectly through the adult responsible for them.

Amendment 467
Beatrix von Storch

Proposal for a directive
Article 22 – paragraph 1

Text proposed by the Commission

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States **shall** ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Amendment

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States **may** ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 468
Jussi Halla-aho

Proposal for a directive
Article 22 – paragraph 2 – point a

Text proposed by the Commission

(a) **family reunification possibilities;**

Amendment

deleted

Or. en

Justification

The encouragement to arrange family reunification for minor applicants can increase the pressure on social cohesion and public sector in Member States. Family reunification process should have its legislative basis primarily in the Family Reunification Directive.

Amendment 469

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 22 – paragraph 2 – point b

Text proposed by the Commission

(b) the minor's well-being and social development, taking into particular consideration the minor's background;

Amendment

(b) the minor's well-being and social development, taking into particular consideration the minor's background, ***such as the ethnic, religious, cultural and linguistic background and further having regard to the need for stability and continuity in care and access to health and education services;***

Or. en

Justification

This amendment is inextricably linked to other admissible amendments seeking to improve the meaning of "the best interests of the child".

Amendment 470

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 22 – paragraph 2 – point c

Text proposed by the Commission

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;

Amendment

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of ***any form of violence and exploitation, and*** human trafficking;

Or. en

Justification

This amendment is inextricably linked to other admissible amendments seeking to improve the meaning of "the best interests of the child".

Amendment 471

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive

Article 22 – paragraph 2 – point c

Text proposed by the Commission

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;

Amendment

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of ***violence and exploitation, including*** human trafficking;

Or. en

Justification

It is important to highlight that children are more likely to be victims of violence and exploitation of which human trafficking is only one form these may take.

Amendment 472

Jussi Halla-aho

Proposal for a directive

Article 22 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that minors have access to ***leisure activities, including play and recreational*** activities appropriate to their age within the premises and accommodation centres referred to in Article 17(1)(a) and (b) and to ***open-air*** activities.

Amendment

3. Member States shall ensure that minors have access to activities appropriate to their age within the premises and accommodation centres referred to in Article 17(1)(a) and (b) and to ***open air*** activities.

Or. en

Justification

Overtly descriptive requirements for minor applicants' activities should be avoided.

Amendment 473
Beatrix von Storch

Proposal for a directive
Article 22 – paragraph 3

Text proposed by the Commission

3. Member States **shall** ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 17(1)(a) and (b) and to open-air activities.

Amendment

3. Member States **may** ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 17(1)(a) and (b) and to open-air activities.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 474
Jussi Halla-aho

Proposal for a directive
Article 22 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care **is developed** and qualified counselling **is**

Amendment

4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care and qualified counselling **are** provided

provided when needed.

when needed *and available*.

Or. en

Justification

When mental health care and counselling resources are scarce in a Member State it can be considered an acceptable reason not to provide these services to applicants.

Amendment 475
Beatrix von Storch

Proposal for a directive
Article 22 – paragraph 4

Text proposed by the Commission

4. Member States *shall* ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

Amendment

4. Member States *may* ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 476
Jussi Halla-aho

Proposal for a directive
Article 22 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that

Amendment

5. Member States shall ensure that

minor children of applicants or applicants who are minors are lodged with their parents or with the adult responsible for them and their unmarried minor siblings whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.

applicants who are minors are lodged with their parents or with the adult responsible for them and their unmarried minor siblings whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.

Or. en

Justification

This Directive should refrain from imposing too harsh accommodation demands on Member States.

Amendment 477 **Beatrix von Storch**

Proposal for a directive **Article 22 – paragraph 5**

Text proposed by the Commission

5. Member States *shall* ensure that minor children of applicants or applicants who are minors are lodged with their parents or with the adult responsible for them and their unmarried minor siblings whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.

Amendment

5. Member States *may* ensure that minor children of applicants or applicants who are minors are lodged with their parents or with the adult responsible for them and their unmarried minor siblings whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 478 **Cornelia Ernst, Martina Anderson, Barbara Spinelli**

Proposal for a directive
Article 22 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Consistent with the principle of family unity, parents or legal or customary primary caregivers shall not be detained.

Minors and families with minor children shall be accommodated together in non-custodial, community-based placements while their immigration status is being resolved.

Or. en

Justification

This amendment is necessary for pressing reasons related to the logic of paragraph 1 of this article.

Amendment 479
Jussi Halla-aho

Proposal for a directive
Article 22 – paragraph 6

Text proposed by the Commission

Amendment

6. Those working with minors, including with unaccompanied minors, shall not have a verified record of child-related crimes or offenses and shall receive **continuous and** appropriate training concerning the rights and needs of **unaccompanied** minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

6. Those working with minors, including with unaccompanied minors, shall not have a verified record of child-related crimes or offenses and shall receive appropriate training concerning the rights and needs of minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information **about any individual case** they obtain in the course of their work.

Or. en

Justification

A special emphasis on the needs of unaccompanied minors is not necessary. A proper training period renders the need for continuous training futile. Confidentiality should not prevent those working with minors from discussing their general observations in public.

Amendment 480

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 22 – paragraph 6

Text proposed by the Commission

6. Those working with minors, including with unaccompanied minors, shall not have a verified record of child-related crimes or offenses and shall receive continuous and appropriate training concerning the rights and needs of unaccompanied minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Amendment

6. Those working with minors, including with unaccompanied minors, shall not have a verified ***criminal record nor a*** record of child-related crimes or offenses and shall receive continuous and appropriate training concerning the rights and needs of ***accompanied, separated and*** unaccompanied minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Or. en

Amendment 481

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck

Proposal for a directive

Article 22 – paragraph 6

Text proposed by the Commission

6. Those working with minors, including with unaccompanied minors, shall not have a verified record ***of*** child-related crimes or offenses and shall receive continuous and appropriate training

Amendment

6. Those working with minors, including with unaccompanied minors, shall not have a verified ***criminal*** record, ***especially with regard to any*** child-related crimes or offenses and shall receive

concerning the rights and needs of unaccompanied minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

continuous and appropriate training concerning the rights and needs of unaccompanied minors, including concerning any applicable child safeguarding standards, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Or. en

Justification

It is important to make sure that Member States perform regular and ex ante checks of the criminal records of personnel in contact with minors, to prevent those who committed crimes and/or other offenses from working with minors.

Amendment 482

Cornelia Ernst, Martina Anderson

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall as soon as possible and no later than five **working** days from the moment when an unaccompanied minor ***makes an application for international protection*** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform

Amendment

Member States shall as soon as possible and no later than five days from the moment when an unaccompanied minor ***arrives in a Member State*** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the

his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record *of* child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary *qualifications and expertise and receive continuous and appropriate training* to that end, and shall not have a verified *criminal* record, *with particular regard to any* child-related crimes or offences. *After his or her appointment, the guardian's criminal record shall be regularly reviewed by the competent authorities to identify potential incompatibilities with his or her role.* In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

These modifications follow the logic of the Commission's proposal and its strengthening of the provisions on persons working with minors or acting as their guardian.

Amendment 483

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall as soon as possible and no later than five *working* days from the moment when an unaccompanied minor *makes an application for international protection* take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in

Amendment

Member States shall as soon as possible and no later than five days from the moment when an unaccompanied minor *arrives in the Member State* take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in

this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record *of* child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall ***be qualified and*** perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified ***criminal*** record, ***especially with regard to any*** child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. ***Appointed guardians' criminal record shall be regularly reviewed by competent authorities to identify potential incompatibilities with their role.*** Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

This amendment aims at ensuring that unaccompanied minors will be assisted by the guardian before lodging the asylum application and not only five days after they have lodged the application, as the role of the guardian is to advise unaccompanied minors from the beginning of the whole procedure.

Amendment 484

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Member States shall ***as soon as possible and*** no later than five ***working*** days from the ***moment when*** an unaccompanied minor ***makes an application for international protection*** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences . In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians .

Member States shall ***immediately***, and no later than five days from the ***arrival on EU territory of*** an unaccompanied minor, take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of ***criminal offences, and in particular*** child-related crimes or offences. ***The competent authorities shall regularly monitor the criminal record of the guardian, following his/her appointment, with a view to checking for anything incongruous with their role.*** In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians .

Or. it

Justification

I minori non accompagnati necessitano di tutela immediata, soprattutto alla luce del fatto

che, la loro sparizione, avviene spesso subito dopo il loro ingresso in UE. Pur riconoscendo il fatto che, la necessità di ottenere una nomina “immediata” del tutore, potrebbe scontrarsi con le realtà burocratiche nazionali, si ritiene che tale figura dovrebbe essere comunque nominata, al più tardi, entro cinque giorni dall’arrivo del minore sul territorio dell’Unione. A differenza di quanto previsto dalla Commissione europea, si ritiene necessario compiere un accertamento più generale rispetto a possibili reati passati compiuti dal tutore. Tale verifica non dovrebbe essere, dunque, limitata a reati che coinvolgano minori. L’affidabilità del tutore dovrà essere costantemente monitorata. A tal proposito viene suggerito un controllo regolare della sua fedina penale, allo scopo di identificare possibili incompatibilità con il suo ruolo, sorte a seguito della sua nomina.

Amendment 485
Beatrix von Storch

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States **shall** as soon as possible and no later than five working days from the moment when an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor’s well-being and social

Amendment

Member States **may** as soon as possible and no later than five working days from the moment when an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor’s well-being and social

development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 486

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Christine Revault D'Allonnes Bonnefoy, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall as soon as possible and no later than five **working** days from the moment when an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with

Amendment

Member States shall as soon as possible and no later than five days from the moment when an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with

this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary *qualifications and* expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

Guardians should be appointed as soon as possible. The unaccompanied minors do not stop being unaccompanied minors at the weekend, so the five-day time limit should be five days only and not five working days. All guardians should be suitably qualified.

Amendment 487

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall as soon as possible and no later than five **working** days from the moment when an unaccompanied minor **makes an application for international protection** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures

Amendment

Member States shall as soon as possible and no later than five days from the moment when an unaccompanied minor **arrives in a Member State** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The

Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end, **shall receive continuous and appropriate training to that end** and shall not have a verified **criminal record nor a** record of child-related crimes or offences. In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Amendment 488

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that a guardian is **not** placed in charge of a **disproportionate** number of unaccompanied minors at the same time **that would render him or her unable** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the

Amendment

Member States shall ensure that a guardian is placed in charge of a **proportionate and limited** number of unaccompanied minors at the same time **to ensure that he or she is able** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged

competence to review complaints lodged by unaccompanied minors against their guardian.

by unaccompanied minors against their guardian. ***Unaccompanied minors shall be informed, in a child-friendly manner and in a language they understand, about the procedure to file complaints against their guardians in confidence and safety and shall be granted the right to be heard in this respect.***

Or. en

Amendment 489

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Christine Revault D'Allonnes Bonnefoy, Soraya Post, Anna Hedh

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that a guardian is ***not*** placed in charge of a ***disproportionate*** number of unaccompanied minors at the same time ***that would render him or her unable*** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Amendment

Member States shall ensure that a guardian is placed in charge of a ***limited*** number of ***not more than 20*** unaccompanied minors at the same time ***to ensure that the guardian is able*** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. ***To this end, unaccompanied minors shall be given information in a child-friendly manner and in a language they understand, about who these entities or persons are and how to file complaints against their guardians in confidence and safety.***

Or. en

Justification

The Commission's proposal is well-meaning but lacking in legal certainty. To ensure that guardians are able to adequately perform their role, they should not be responsible for more than 20 unaccompanied minors at any one time. This upper limit will provide legal clarity. The maximum of 20 unaccompanied minors is regarded as good practice by experts in the field of guardianship of minors, such as NIDOS and UNHCR.

Amendment 490

Cornelia Ernst, Martina Anderson, Barbara Spinelli, Dennis de Jong

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Amendment

Member States shall ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. *To this end, unaccompanied minors shall be given information, in a child-friendly manner and in a language they understand, about who these entities or persons are and how to file complaints against their guardians in confidence and safety.*

Or. en

Amendment 491

Beatrix von Storch

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States **shall** ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States **shall** appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Amendment

Member States **may** ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States **may** appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Or. en

Amendment 492

Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that a guardian is **not** placed in charge of **a disproportionate** number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Amendment

Member States shall ensure that a guardian is placed in charge of **an acceptable and limited** number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring, **within the first month of the guardian being appointed, and then** at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Or. it

Justification

In order for guardians to properly care for the unaccompanied minors allocated to them, they should only be responsible for a limited number. The reason for assessing within the first month of their appointment whether guardians are performing their tasks correctly is that the initial time spent with the minor would seem crucial to establishing a long-term relationship of trust. It is also important to verify at the earliest opportunity whether the guardian is fulfilling his tasks reliably.

Amendment 493

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall provide unaccompanied minors upon their arrival with:

(a) immediate access to health care and education under the same conditions as their own national minors

(b) all the necessary information about their rights, procedures and protection opportunities in a child-friendly manner and in a language they understand. To this end, the European Asylum Support Office shall assist Member States in producing reception material to inform children.

Or. en

Justification

Unaccompanied Minors have specific basic needs from the moment of their arrival, regardless of whether they are asylum seekers, economic migrants or trafficked children. This amendment aims at ensuring that unaccompanied minors upon their arrival are properly informed about their rights, procedure and protection and are granted to immediate access to health care, in view of their particular vulnerability, as well as the traumas they may have been exposed to during their journey.

Amendment 494
Jussi Halla-aho

Proposal for a directive
Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 22 (2).

Amendment

Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 22 (2) **or in the best interests of others.**

Or. en

Justification

Many unaccompanied applicants over the age of 16 have caused severe problems in accommodation centres designated for minors. In order to safeguard the order in accommodation centres troublesome minors over the age of 16 should be housed together with adults.

Amendment 495
Jussi Halla-aho

Proposal for a directive
Article 23 – paragraph 3

Text proposed by the Commission

3. Member States shall start tracing the members of the unaccompanied minor's family, where necessary with the assistance of international or other relevant organisations, as soon as possible after an application for international protection is made, whilst protecting his or her best interests. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a

Amendment

deleted

confidential basis, so as to avoid jeopardising their safety.

Or. en

Justification

This Directive should refrain from dealing with family reunification matters. In many cases a quick family reunification hinders the successful integration of the minor applicant because it lowers his or her self-reliance.

Amendment 496

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that persons who have been subjected to gender-based *harm*, torture, rape or other serious acts of violence *receive the necessary treatment* for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

Amendment

1. Member States shall ensure that persons who have been subjected to *sexual and* gender-based *violence, other forms of bias-motivated violence*, torture, rape or other serious acts of *psychological, physical or sexual* violence *are provided with holistic rehabilitation services* for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care *as well as qualified counselling, with the support of a qualified interpreter where needed. Access to that support shall be as early as possible after a victim has been identified.*

Or. en

Justification

This amendment is inextricably linked to admissible amendments of the draft report seeking to improve conditions for applicants with special reception needs.

Amendment 497

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Christine Revault D'Allonnes Bonnefoy, Soraya

Post, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that persons who have been subjected to gender-based ***harm***, torture, rape or other serious acts of violence ***receive the necessary treatment*** for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

Amendment

1. Member States shall ensure that persons who have been subjected to ***sexual and*** gender-based ***violence, other forms bias-motivated violence***, torture, rape or other serious acts of ***psychological, physical or sexual*** violence ***are provided with holistic rehabilitation services*** for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care ***as well as qualified counselling, with the support of a qualified interpreter where needed. Access to that support shall be as early as possible after a victim has been identified.***

Or. en

Justification

It should be ensured that this Directive complies with international standards and guarantees appropriate reception conditions for victims of torture. This should include the explicit mention of qualified counselling; the obligation to provide support as early as possible; the provision of the support of a qualified interpreter.

Amendment 498
Jussi Halla-aho

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that persons who have been subjected to ***gender-based harm***, torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological

Amendment

1. Member States shall ensure that persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

treatment or care.

Or. en

Amendment 499
Beatrix von Storch

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States **shall** ensure that persons who have been subjected to **gender-based** harm, torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

Amendment

1. Member States **may** ensure that persons who have been subjected to harm, torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 500

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Sylvie Guillaume, Elly Schlein, Christine Revault D'Allonnes Bonnefoy, Soraya Post, Anna Hedh, Cécile Kashetu Kyenge

Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the

Amendment

2. Those working with victims of **gender-based harm**, torture, rape or other serious acts of **psychological, physical or sexual** violence, **including health professionals in charge of implementing**

confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

paragraph 1, shall have had and shall continue to receive appropriate training concerning their needs **and appropriate rehabilitation methods**, and shall be bound by the confidentiality rules provided for in national law **and professional ethics codes**, in relation to any information they obtain in the course of their work.

Or. en

Justification

It should be ensured that this Directive complies with international standards and guarantees appropriate reception conditions for victims of torture. This should include the explicit mention of health professionals among categories of personnel who should be adequately trained, as health professionals who are not staff members of the responsible authorities often are not covered by this obligation.

Amendment 501

Cornelia Ernst, Martina Anderson, Barbara Spinelli

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Amendment

2. Those working with victims of **gender-based harm**, torture, rape or other serious acts of **psychological, physical or sexual** violence, **including health professionals in charge of implementing paragraph 1**, shall have had and shall continue to receive appropriate training concerning their needs, **and appropriate rehabilitation methods**, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Or. en

Justification

This amendment is inextricably linked to admissible amendments of the draft report seeking to

improve conditions for applicants with special reception needs.

Amendment 502

Jussi Halla-aho

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

2. Those working with victims of torture, rape or other serious acts of violence shall have had ***and shall continue to receive*** appropriate training concerning ***their*** needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Amendment

2. Those working with victims of torture, rape or other serious acts of violence shall have had appropriate training concerning ***the victims'*** needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information ***about any individual case*** they obtain in the course of their work.

Or. en

Justification

Continuous training is in these cases unnecessary.

Amendment 503

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Elly Schlein, Cécile Kashetu Kyenge

Proposal for a directive

Article 25 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In cases of an appeal or a review before a judicial authority referred to in paragraph 1, Member States shall ensure that free legal assistance and representation is made available on request ***in so far as such aid is necessary to ensure effective access to justice***. This shall include, at least, the

Amendment

In cases of an appeal or a review before a judicial authority referred to in paragraph 1, ***in order to ensure effective access to justice***, Member States shall ensure that free legal assistance and representation is made available on request. This shall include, at least, the preparation of the

preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant.

required procedural documents, *the preparation of the appeal* and participation in the hearing before the judicial authorities on behalf of the applicant. *Free legal assistance and representation shall be provided by legal advisers or other counsellors permitted under national law to assist or represent the applicants or non-governmental organisations accredited under national law to provide advisory services or representation.*

Or. en

Justification

This provision has been aligned with the provisions contained on legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 15(1) and (4), and the first paragraph of Article 17 of the Asylum Procedures Regulation. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the Procedural Rights of applicants.

Amendment 504 **Jussi Halla-aho**

Proposal for a directive **Article 25 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

Free legal assistance and representation shall be provided by suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict or could not potentially conflict with those of the applicant.

Amendment

Legal assistance and representation shall be provided by suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict or could not potentially conflict with those of the applicant.

Or. en

Justification

From the viewpoint of due process an automatic access to free legal assistance is not necessary when appealing the decisions concerning the level of the benefits.

Amendment 505

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

3. *Member States may also provide that* free legal assistance and representation *are granted:*

3. *The provision of* free legal assistance and representation *in the appeal procedure may be excluded only where:*

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 15(5) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 506

Jussi Halla-aho

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

3. Member States *may also* provide that free legal assistance and representation are granted:

3. Member States *shall* provide that free legal assistance and representation are granted:

Or. en

Justification

It's necessary to strictly define the persons entitled to free legal assistance.

Amendment 507

Jussi Halla-aho

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) only to those who lack sufficient resources; **and/or**

(a) only to those who lack sufficient resources; **and**

Or. en

Justification

Service providers entitled to give free legal assistance to applicants should be clearly defined in order to avoid the misuse of public funds.

Amendment 508

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) **only to those who lack** sufficient resources; **and/or**

(a) **the applicant has** sufficient resources;

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international

protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 15(5) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 509

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) *only through the services provided by legal advisers or other counsellors specifically designated by national law to assist and represent applicants.*

Amendment

(b) *the appeal is at a second level of appeal or higher under national law as provided for under national law, including re-hearings or reviews of appeal, and that second level of appeal is considered to have no tangible prospect of success.*

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 15(5) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 510

Jussi Halla-aho

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may provide that free legal assistance and representation not be made available if the appeal or review is considered by a competent authority to have no tangible prospect of success. In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.

Amendment

Free legal assistance and representation **shall** not be made available if the appeal or review is considered by a competent authority to have no tangible prospect of success. In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered **while, at the same time, the asylum system and thus the financial assets of a Member State are not abused by unfounded appeals.**

Or. en

Justification

In these cases free legal assistance isn't necessary. Unfounded asylum appeals must be discouraged too.

Amendment 511

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may provide that free legal assistance and representation **not be made available if the appeal or review is considered by a competent authority to have** no tangible prospect of success. **In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.**

Amendment

Where a decision not to grant free legal assistance and representation **is taken by an authority which is not a court or tribunal on the ground that the appeal is considered as having** no tangible prospect of success, **the applicant shall have the right to an effective remedy before a court or tribunal against that decision, and for that purpose he or she shall be entitled to request free legal assistance and**

representation.

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 15(5) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 512

Jussi Halla-aho

Proposal for a directive

Article 25 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. Member States *may* also:

4. Member States *shall* also:

Or. en

Justification

Necessary restrictions on the free legal assistance are acceptable in order to lower the costs.

Amendment 513

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) impose monetary *and/or* time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to legal assistance and representation;

(a) impose monetary *limits or* time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to *free* legal assistance and representation *or hinder the applicant's effective access to justice*;

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 17(3) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 514

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Elly Schlein, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Cécile Kashetu Kyenge, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) provide that, as regards fees and other costs, the treatment of applicants shall not be *more favorable* than the treatment generally *accorded* to their nationals in matters pertaining to legal assistance.

(b) provide that, as regards fees and other costs, the treatment of applicants shall not be *less favourable* than the treatment generally *given* to their nationals in matters pertaining to legal assistance.

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 17(3) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 515

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon, Birgit Sippel

Proposal for a directive

Article 25 – paragraph 5

Text proposed by the Commission

5. Member States may ***demand to be reimbursed wholly or partially for*** any costs ***granted if and when the applicant's financial situation has improved considerably or if the decision to grant such costs*** was taken on the basis of false information supplied by the applicant.

Amendment

5. Member States may ***request total or partial reimbursement of*** any costs ***incurred where the decision to provide free legal assistance and representation*** was taken on the basis of false information supplied by the applicant.

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 17(4) of the Asylum Procedures Regulation. Any differences with that text reflect amendments to be tabled to that proposal. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants. Applicants should not be asked to reimburse the costs of legal assistance if they later find a job as such a provision would undoubtedly act as a disincentive to applicants requesting legal assistance in the first place.

Amendment 516

Jussi Halla-aho

Proposal for a directive Article 25 – paragraph 5

Text proposed by the Commission

5. Member States **may** demand to be reimbursed wholly or partially for any costs granted if and when the applicant's financial situation has improved considerably or if the decision to grant such costs was taken on the basis of false information supplied by the applicant.

Amendment

5. Member States **shall** demand to be reimbursed wholly or partially for any costs granted if and when the applicant's financial situation has improved considerably or if the decision to grant such costs was taken on the basis of false information supplied by the applicant.

Or. en

Justification

In cases where applicant's financial situation is considerably improved it's logical that Member States shall be reimbursed. Also to act against fraud in the asylum process false information given by the applicant should lead to consequences.

Amendment 517

Bodil Valero

on behalf of the Verts/ALE Group

Cornelia Ernst

on behalf of the GUE/NGL Group

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon

Proposal for a directive Article 25 – paragraph 6

Text proposed by the Commission

6. **Procedures for access to** legal assistance and representation shall **be laid down in national law.**

Amendment

6. **Member States shall lay down specific procedural rules concerning the modalities for filing and processing requests for the provision of free** legal assistance and representation **or they shall apply the existing rules for domestic claims of a similar nature, provided that those rules do not render access to free**

***legal assistance and representation
impossible or excessively difficult.***

Or. en

Justification

This provision has been aligned with the provisions contained on free legal assistance in the Commission's Proposal for a Regulation establishing a common procedure for international protection in the Union ('the Asylum Procedures Regulation'), in particular the provisions of Article 17(2) of the Asylum Procedures Regulation. Such an amendment is necessary relating to the internal logic of the proposals for revising the Common European Asylum System and is inextricably linked to other admissible amendments of the Rapporteur relating to the procedural rights of applicants.

Amendment 518
Beatrix von Storch

Proposal for a directive
Article 26 – paragraph 1

Text proposed by the Commission

Each Member State **shall** notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.

Amendment

Each Member State **may** notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 519
Beatrix von Storch

Proposal for a directive
Article 27 – paragraph 1

Text proposed by the Commission

1. Member States **shall**, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. Member States shall take into account [operational standards on reception conditions and indicators developed by the European Asylum Support Office / the European Union Agency for Asylum] and any other reception conditions operational standards, indicators or guidelines established in accordance with Article [12] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Amendment

1. Member States **may**, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. Member States shall take into account [operational standards on reception conditions and indicators developed by the European Asylum Support Office / the European Union Agency for Asylum] and any other reception conditions operational standards, indicators or guidelines established in accordance with Article [12] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 520
József Nagy

Proposal for a directive
Article 27 – paragraph 1

Text proposed by the Commission

1. Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. Member States shall take into account [operational standards on reception conditions and indicators developed by the

Amendment

1. Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. Member States shall, **where appropriate**, take into account [operational standards on reception conditions and indicators

European Asylum Support Office / the European Union Agency for Asylum] and any other reception conditions operational standards, indicators or guidelines established in accordance with Article [12] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

developed by the European Asylum Support Office / the European Union Agency for Asylum] and any other reception conditions operational standards, indicators or guidelines established in accordance with Article [12] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 521
Kinga Gál

Proposal for a directive
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States' reception systems shall be monitored and assessed in accordance with the procedure set out in [Chapter 5] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

deleted

Or. en

Amendment 522
Kinga Gál

Proposal for a directive
Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Contingency planning

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted

with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.

2. The first contingency plan shall be completed, using a template to be developed by the European Union Agency for Asylum, and shall be notified to the European Union Agency for Asylum at the latest by [6 months after entry into force of this Directive]. An updated contingency plan shall be notified to the European Union Agency for Asylum every two years thereafter. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.

3. The contingency plans, and in particular the adequacy of the measures taken according to the plans, shall be monitored and assessed in accordance with the procedure set out in [Chapter 5] of Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 523
József Nagy

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a contingency plan setting out the planned

Amendment

1. Each Member State shall draw up a contingency plan *for situations of a*

measures to be taken to ensure an adequate reception of applicants *in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible* in accordance with *Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.*

disproportionate pressure setting out the planned measures to be taken to ensure an adequate reception of applicants for international protection in accordance with *this Directive.*

Or. en

Amendment 524

Kati Piri, Juan Fernando López Aguilar, Péter Niedermüller, Maria Grapini, Tanja Fajon

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. *The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.*

Amendment

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection.

Or. en

Justification

While introducing a welcome contingency planning obligation enabling Member States to provide adequate reception capacity in case they are confronted with disproportionate numbers of applicants, Article 28 links such obligation only to the number of applicants required to be present on a Member State's territory. Making Member States' planning obligations conditional on the desired functioning of the Dublin Regulation has no practical value as pressures on Member States reception capacity may in practice go far beyond those applicants who are required to be present on their territory upon a formal reading of responsibilities under the Dublin Regulation. Adequate contingency planning would need to prepare Member States for increased numbers of arrivals regardless of whether they occur in accordance with the allocation rules and corrective measures laid down in the Dublin Regulation.

Amendment 525

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. ***The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.***

Amendment

1. Each Member State shall draw up, ***in cooperation with relevant civil society and international organisations and local and regional authorities***, a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection.

Or. en

Amendment 526

Jussi Halla-aho

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], ***taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.***

Amendment

1. Each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

Or. en

Amendment 527
Beatrix von Storch

Proposal for a directive
Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State ***shall*** draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the

Amendment

1. Each Member State ***may*** draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], taking into account the

corrective allocation mechanism outlined in Chapter VII of that Regulation.

corrective allocation mechanism outlined in Chapter VII of that Regulation.

Or. en

Amendment 528
Jussi Halla-aho

Proposal for a directive
Article 28 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The contingency plan should include a legislative framework for the national authorities to operate in case of a sudden influx of large numbers of irregular migrants. An important tool in countering significant migratory pressures is to perform push-backs at internal borders. Proper guidelines for the use of the push-back mechanism should therefore be included into the contingency plan.

Or. en

Justification

Large numbers of asylum seekers arriving via one or more Member States where they had a realistic opportunity to apply for protection, as was widely witnessed in 2015, destroys the credibility of the asylum system. Member States should have an explicit right to stop such migrants at the border.

Amendment 529
József Nagy

Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The first contingency plan shall be completed, using a template to be *developed* by the European Union Agency

2. The first contingency plan shall be completed, using a template to be *adopted by the Management Board* of the

for Asylum, and shall be notified to the European Union Agency for Asylum at the latest by [6 months after entry into force of this Directive]. An updated contingency plan shall be notified to the European Union Agency for Asylum every two years thereafter. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.

European Union Agency for Asylum, and shall be notified to the European Union Agency for Asylum at the latest by [6 months after entry into force of this Directive]. An updated contingency plan shall be notified to the European Union Agency for Asylum every two years thereafter. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.

Or. en

Amendment 530

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 28 – paragraph 2

Text proposed by the Commission

2. The first contingency plan shall be completed, using a template to be developed by the European Union Agency for Asylum, and shall be notified to the European Union Agency for Asylum at the latest by [6 months after entry into force of this Directive]. An updated contingency plan shall be notified to the European Union Agency for Asylum every *two years* thereafter. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.

Amendment

2. The first contingency plan shall be completed, using a template to be developed by the European Union Agency for Asylum, and shall be notified to the European Union Agency for Asylum at the latest by [six months after entry into force of this Directive]. An updated contingency plan shall be notified to the European Union Agency for Asylum every *six months* thereafter. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.

Or. en

Amendment 531

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Amendment

1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, ***adequate funding shall be made available to local and regional authorities and international and civil society organisations, including through the possibility for local and regional authorities to directly access the Asylum Migration and Integration Fund (AMIF).*** To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Or. en

Amendment 532
Beatrix von Storch

Proposal for a directive
Article 29 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of ***both male and female*** applicants. ***To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union***

Amendment

1. Member States ***may*** take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of applicants.

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts. Furthermore, the admissible dilation in this particular amendment is a demonstration of said inextricable link.

Amendment 533

Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Vilija Blinkevičiūtė, Julie Ward, Luigi Morgano, Bodil Valero, Brando Benifei, Damiano Zoffoli, Nathalie Griesbeck, Jean Lambert

Proposal for a directive

Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].

Amendment

1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants, ***as well as children***. To that end, Member States shall integrate the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum] ***and take into consideration the information material published by the European Asylum Support Office, such as the EASO Tool for Identification of persons with special needs***.

Justification

Children have specific needs and are by definition in a phase of mental, spiritual and moral development, and in view of their particular vulnerability and of the traumas they may have been exposed to during their journey, it is necessary that those working with children are adequately trained. To that end, those working with children and other applicants with special needs should be thoroughly informed about the material produced by European Asylum Support Office.

Amendment 534
Beatrix von Storch

Proposal for a directive
Article 29 – paragraph 2

Text proposed by the Commission

2. Member States shall allocate **the necessary resources** in connection with the national law implementing this Directive.

Amendment

2. Member States shall allocate **resources to the degree they deem necessary** in connection with the national law implementing this Directive.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 535
Bodil Valero
on behalf of the Verts/ALE Group

Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

By [**three years** after the entry into force of this Directive] at the latest, and at least every **five** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall

Amendment

By [**one year** after the entry into force of this Directive] at the latest, and at least every **three** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall

propose any amendments that are necessary.

propose any amendments that are necessary.

Or. en

Amendment 536
Jussi Halla-aho

Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

By [**three** years after the entry into force of this Directive] at the latest, and at least every **five** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary.

Amendment

By [**two** years after the entry into force of this Directive] at the latest, and at least every **two** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary.

Or. en

Justification

It's necessary to have the report on the application of this Directive sooner because the asylum situation in the EU will stay precarious in the near future. The subsequent reports on application of this Directive should also be released more regularly.

Amendment 537
Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

By [**three years** after the entry into force of this Directive] at the latest, and at least every **five** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall

Amendment

By [**one year** after the entry into force of this Directive] at the latest, and at least every **three** years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall

propose any amendments that are necessary.

propose any amendments that are necessary.

Or. it

Justification

The signatories feel that the European Parliament should be duly informed on the implementation of this Directive within one year of its entering into force.

Amendment 538

Salvatore Domenico Pogliese, Alessandra Mussolini

Proposal for a directive

Article 30 – paragraph 2

Text proposed by the Commission

Member States shall at the request of the Commission send the necessary information for drawing up the report by [*two years* after the entry into force of this Directive] and every *five* years thereafter .

Amendment

Member States shall at the request of the Commission send the necessary information for drawing up the report by [*six months* after the entry into force of this Directive] and every *two* years thereafter.

Or. it

Justification

The signatories feel that Member States should forward to the Commission the necessary information for drawing up the report within six months of the entry into force of this Directive so that the Commission can present a report on the Directive within one year of its entering into force.

Amendment 539

Beatrix von Storch

Proposal for a directive

Article 30 – paragraph 2

Text proposed by the Commission

Member States *shall* at the request of the Commission send the necessary information for drawing up the report by

Amendment

Member States *may* at the request of the Commission send the necessary information for drawing up the report by

[two years after the entry into force of this Directive] and every five years thereafter.

[two years after the entry into force of this Directive] and every five years thereafter.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 540

Jussi Halla-aho

Proposal for a directive

Article 30 – paragraph 2

Text proposed by the Commission

Member States shall at the request of the Commission send the necessary information for drawing up the report by [*two years* after the entry into force of this Directive] and every *five* years thereafter.

Amendment

Member States shall at the request of the Commission send the necessary information for drawing up the report by [*18 months* after the entry into force of this Directive] and every *three* years thereafter.

Or. en

Justification

It's necessary to have the report on the application of this Directive sooner because the asylum situation in the EU will stay precarious in the near future. The subsequent reports on application of this Directive shall also be released more regularly.

Amendment 541

Bodil Valero

on behalf of the Verts/ALE Group

Proposal for a directive

Article 30 – paragraph 2

Text proposed by the Commission

Member States shall at the request of the Commission send the necessary

Amendment

Member States shall at the request of the Commission send the necessary

information for drawing up the report by [*two years* after the entry into force of this Directive] and every *five* years thereafter.

information for drawing up the report by [*six months* after the entry into force of this Directive] and every *three* years thereafter.

Or. en

Amendment 542
Beatrix von Storch

Proposal for a directive
Article 31 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall refuse to transpose laws, regulations and administrative provisions that they deem to be in violation of the principle of subsidiarity or the spirit of the treaties.

Or. en

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.

Amendment 543
Beatrix von Storch

Proposal for a directive
Article 31 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall refuse to enforce laws, regulations and administrative provisions transposed that they deem to be in violation of the principle of subsidiarity or the spirit of the treaties.

Justification

We have admissible amendments which are guided by the principle of subsidiarity and are inextricably linked to amendments in the white parts which also guided by the principle of subsidiarity. It would be nonsensical to have the principle only applied to the grey parts.