



2020/0279(COD)

9.12.2021

AMENDMENTS

1174 - 1588

Draft report

Tomas Tobé

(PE698.950v01-00)

Asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]

Proposal for a regulation

(COM(2020)0610 – C9-0309/2020 – 2020/0279(COD))

AM_Com_LegReport

Amendment 1174

Charlie Weimers, Laura Huhtasaari, Peter Kofod

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** examine any ***application*** for international protection ***by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.***

Amendment

1. Member States ***are not obliged to*** examine any ***applications*** for international protection ***from*** third-country ***nationals or stateless persons who have entered*** the territory of Member States ***illegally or through a safe country.***

Or. en

Amendment 1175

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Amendment

1. Member States shall examine any application for international protection by a third-country national or a stateless person ***pursuant to Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons,*** who applies on the territory of any one of them, including at the border or in the transit zones. The application ***for international protection*** shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Or. en

Amendment 1176

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Member *States shall* examine any application for international protection by a third-country national *or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.*

Amendment

1. *Only a Member State is competent to decide and* examine any application for international protection by a third-country national *and it shall be done in line with that particular Member State's laws and policies with no interference from the Commission, the European Parliament or any other EU institution.*

Or. en

Amendment 1177

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Amendment

1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State *at a time*, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Or. en

Amendment 1178
Tomas Tobé, Jeroen Lenaers

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall examine any application for international protection **by a third-country national or a stateless person who applies** on the territory of any one of them, including at the border or in the transit zones. The application shall be **examined by a single** Member State, **which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.**

Amendment

1. Member States shall examine any application for international protection **registered** on the territory of any of them, including at the border or in the transit zones. **In accordance with Article 7 of Regulation (EU) xxx/xxx, the application for international protection shall be registered in the Member State of first entry of in the Member State where the applicant is legally present.**

Or. en

Amendment 1179
Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall **examine** any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Amendment

1. Member States shall **register** any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible.

Or. en

Amendment 1180

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.

deleted

Or. it

Amendment 1181
Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.

2. Without prejudice to the rules provided for in Part IV, where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it. *That responsibility shall cease if the application is registered more than 1 year after the date on which the irregular crossing of the border into a Member State has taken place by land, sea or air.*

Or. en

Amendment 1182
Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. ***Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation***, the first Member State in which the application for international protection was registered shall be responsible for examining it.

Amendment

2. The first Member State in which the application for international protection was registered shall be responsible for examining it.

Or. en

Amendment 1183
Charlie Weimers

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. ***Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation***, the first Member State in which the application for international protection was registered shall be responsible for examining it.

Amendment

2. The first Member State in which the application for international protection was registered shall be responsible for examining it.

Or. en

Amendment 1184
Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered

shall be responsible for examining it.

or where the applicant is legally present,
shall be responsible for examining it.

Or. en

Amendment 1185

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the ***first*** Member State ***in which*** the application for international protection ***was registered*** shall be ***responsible for examining it***.

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the Member State ***responsible for examining*** the application for international protection shall be ***determined in accordance with the procedure laid down in Article 45***.

Or. en

Amendment 1186

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where no Member State responsible can be designated on the basis of the criteria ***listed in this Regulation, the first*** Member State ***in which*** the application for international protection ***was registered*** shall be ***responsible for examining it***.

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria ***set out in Chapter II, the*** Member State ***responsible for examining*** the application for international protection shall be ***determined in accordance with the procedure set out in Article 31a***.

Or. en

Amendment 1187

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it, ***unless Article 25 applies.***

Or. en

Amendment 1188

Damien Carême

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the ***first Member State in which the application for international protection was registered*** shall be ***responsible for examining it.***

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the ***applicant*** shall be ***automatically relocated in accordance with Article 23a.***

Or. en

Amendment 1189

Nicola Procaccini

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.

2. Where no Member State responsible can be designated on the basis of the criteria listed **Chapter II**, in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.

Or. en

Amendment 1190
Charlie Weimers

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.*

deleted

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

Or. en

Amendment 1191

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.* *deleted*

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

Or. en

Amendment 1192

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 8 – paragraph 3

3. *Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.*

deleted

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

Or. en

Amendment 1193

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment

3. Where it is impossible for a Member State to transfer an applicant ***or a beneficiary of international protection*** to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting

within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union ***or the risk of a serious violation of the fundamental rights of the applicant or beneficiary***, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 1194

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it is impossible for a Member State to transfer an applicant to the Member State ***primarily*** designated as responsible because there are substantial grounds for believing that ***there are systemic flaws in the asylum procedure and in the reception conditions for applicants*** in that Member State, ***resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union***, the determining Member State shall continue to examine the criteria set out in Chapter II ***of Part III*** in order to establish whether another Member State can be designated as responsible.

Amendment

3. Where it is impossible for a Member State to transfer an applicant ***or a beneficiary of international protection*** to the Member State designated as responsible because there are substantial grounds for believing that ***the applicant or beneficiary of international protection would be subjected to a risk of a serious violation of his or her fundamental rights*** in that Member State, the determining Member State shall continue to examine the criteria set out in Chapter II in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 1195

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier

Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there ***are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union***, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Amendment

3. Where it is impossible for a Member State to transfer an applicant ***or a beneficiary of international protection*** to the Member State primarily designated as responsible because there are substantial grounds for believing that there ***is a real risk of serious violation*** of fundamental rights ***for the applicants or the beneficiary of international protection in that Member State***, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 1196

Damien Carême

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, ***resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of***

Amendment

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that ***is a real risk of a serious violation of fundamental rights for the applicant or*** there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, the determining Member State shall continue to examine the criteria

the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 1197
Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are ***substantial grounds for believing that there are*** systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Amendment

3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are ***proven*** systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible.

Or. en

Amendment 1198
Damien Carême

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where a Member State cannot carry out

Amendment

deleted

the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

Or. en

Amendment 1199

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

deleted

Or. en

Amendment 1200

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or *of the procedure laid down in*

which the application was registered, that Member State shall become the Member State responsible.

Chapter I of Part IV, or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.

Or. en

Amendment 1201

Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III ***or to the first Member State with which the application was registered***, that Member State shall become the Member State responsible.

Amendment

Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III, that Member State shall become the Member State responsible.

Or. it

Amendment 1202

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where a Member State cannot carry out the transfer pursuant to the first subparagraph ***to any*** Member State designated on the basis of the criteria set out in Chapter II of Part III ***or to the first Member State with which the application was registered***, that Member State shall become the Member State responsible.

Amendment

Where a Member State cannot carry out the transfer pursuant to the first subparagraph ***and cannot establish whether another*** Member State ***can be*** designated on the basis of the criteria set out in Chapter II of Part III, that Member State shall become the Member State responsible.

Or. en

Amendment 1203

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. *If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.* *deleted*

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows

that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the Member State responsible.

Or. en

Amendment 1204

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. *If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.* *deleted*

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the

registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the Member State responsible.

Or. en

Amendment 1205
Charlie Weimers

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, *before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.*

Amendment

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application.

Or. en

Amendment 1206
Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Amendment

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III. ***In that case, no transfer shall be carried out.***

Or. en

Amendment 1207
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the

Amendment

4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State ***or the internal security of the EU as a whole*** as soon as possible after the registration of the application, before

Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Or. en

Amendment 1208
Damien Carême

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

deleted

Or. en

Amendment 1209
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

If a security check provided for in Article

deleted

***11 of Regulation (EU) XXX/XXX
[Screening Regulation] has been carried
out, but the first Member State in which
the application for international
protection was registered has justified
reasons to examine whether there are
reasonable grounds to consider the
applicant a danger to national security or
public order of that Member State, that
Member State shall carry out the
examination as soon as possible after the
registration of the application, before
applying the criteria for determining the
Member State responsible pursuant to
Chapter II or the clauses set out in
Chapter III of Part III.***

Or. en

**Amendment 1210
Charlie Weimers**

**Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1**

Text proposed by the Commission

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, ***before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.***

Amendment

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application.

Or. en

Amendment 1211
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1

Text proposed by the Commission

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Amendment

If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State ***or to the internal security of the EU as a whole***, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.

Or. en

Amendment 1212
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the

Amendment

deleted

Member State responsible.

Or. en

Amendment 1213

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the Member State responsible.

Amendment

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the Member State responsible ***and shall carry out a border procedure, in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation].***

Or. en

Amendment 1214

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that

Amendment

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that

there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State *shall be the Member State responsible*.

there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State *may return the applicant to the country of origin without delay*.

Or. en

Amendment 1215
Damien Carême

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] *or in accordance with the first and second subparagraphs of this paragraph* shows that there are reasonable grounds to consider the applicant a *danger* to national security *or public order* of the Member State carrying out the security check, that Member State shall be the Member State responsible.

Amendment

Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] shows that there are reasonable grounds to consider the applicant a *genuine, present and sufficiently serious threat* to national security of the Member State carrying out the security check, that Member State shall be the Member State responsible.

Or. en

Amendment 1216

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Member State in which the applicant or a beneficiary of international protection is present shall, however, ensure that the designation of the

Member State responsible does not worsen a situation where the fundamental rights of that applicant have been infringed by using a procedure for determining the Member State responsible which takes an unreasonable length of time. If necessary, that Member State must itself examine the application in accordance with the procedure laid down in Article 25.

Or. en

Amendment 1217

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

Amendment

5. Each Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

deleted

Or. en

Amendment 1218

Damien Carême

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

Amendment

5. Each Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

deleted

Amendment 1219

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

Amendment

5. Each Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [Asylum Procedure Regulation]. *deleted*

Amendment 1220

Charlie Weimers, Laura Huhtasaari, Peter Kofod

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

Amendment

5. Each Member State shall retain the right to send an applicant to a *safe* third country, *subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [Asylum Procedure Regulation].*

5. Each Member State shall retain the right to send an applicant to a third country, *including for the purposes of processing the application for international protection at a third country reception centre and facilitating, for those granted, international protection in the third country partner state.*

Amendment 1221

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari,

Philippe Olivier

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

5. Each Member State shall retain the right to send an applicant to a safe third country, ***subject to the rules and safeguards laid down in*** Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Amendment

5. Each Member State shall retain the right to send an applicant to a safe third country, ***if he or she has entered the territory of any Member State illegally or by using force, as well as under*** Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Or. en

Amendment 1222

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

**Proposal for a regulation
Article 8 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. Each Member State shall retain the right to deny entry and push back any potential applicant attempting to enter and to push back any applicant having entered its territory from a safe third country or by having traversed a safe third country;

Or. en

Amendment 1223

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 9**

Article 9

deleted

Obligations of the applicant

- 1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.***
- 2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa.***

Where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.
- 3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.***
- 4. The applicant shall be required to be present in:***
 - (a) the Member State referred to in paragraphs 1 and 2 pending the determination of the Member State responsible and, where applicable, the***

implementation of the transfer procedure;

(b) the Member State responsible;

(c) the Member State of relocation following a transfer pursuant to Article 57(9).

5. Where a transfer decision is notified to the applicant in accordance with Article 32(2) and Article 57(8), the applicant shall comply with that decision.

Or. en

Amendment 1224

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.

Amendment

1. Where a third-country national or stateless person ***pursuant to Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons***, intends to make an application for international protection, the application shall be made and registered in the Member State of first entry, ***that shall determine the Member State responsible according to the criteria set out in this Regulation.***

Or. en

Amendment 1225

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or

Amendment

1. Where a third-country national or

stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.

stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry ***or the Member State in which that third-country national is legally present.***

Or. en

Amendment 1226
Damien Carême

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***of first entry.***

Amendment

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***in which that third-country national or stateless person is present.***

Or. en

Amendment 1227
Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or stateless person intends to make an application for ***international protection***, the application shall be made and registered in the Member State of first entry.

Amendment

1. Where a third-country national or stateless person intends, ***after legally entering the territory of a Member State of the Union***, to make an application for ***asylum***, the application shall be made and registered in the Member State of first entry.

Amendment 1228
Charlie Weimers

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.

Amendment

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry ***or the application shall be automatically rejected.***

Or. en

Amendment 1229
Nicola Procaccini

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***of first entry.***

Amendment

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***where he or she is present at the moment of the application.***

Or. en

Amendment 1230
Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***of first entry***.

1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State ***where the applicant is present***.

Or. it

Amendment 1231

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. ***By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa.***

2. ***Each Member State may determine rules pertaining to illegal migrants and/or asylum applicants as they see fit.***

Or. en

Amendment 1232

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member

State that issued the residence permit or visa.

State that issued the residence permit or visa ***unless there is a risk of violation of fundamental rights for the applicant.***

Or. en

Amendment 1233

Charlie Weimers, Laura Huhtasaari, Peter Kofod

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa.

Amendment

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa ***or in a third country partner state.***

Or. en

Amendment 1234

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa.

Amendment

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, ***or is otherwise legally present,*** the application shall be made and registered in the Member State that issued the residence permit or visa ***or in which they are legally present.***

Or. en

Amendment 1235

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a **valid** residence permit or a valid **visa**, the application shall be made and registered in the Member State that issued the residence permit or visa.

Amendment

2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a residence permit or a **visa, either valid or which has expired**, the application shall be made and registered in the Member State that issued the residence permit or visa.

Or. en

Amendment 1236

Damien Carême

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. **By derogation from paragraph 1**, where a third-country national or stateless person is in possession of a **valid** residence permit or **a valid** visa, the application shall be made and registered in the Member State **that issued the residence permit or visa**.

Amendment

2. Where a third-country national or stateless person **who intends to make an application for international protection** is in possession of a residence permit or visa **which has expired**, the application shall be made and registered in the Member State **where he or she is present**.

Or. en

Amendment 1237

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.

deleted

Or. en

Amendment 1238

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.

Where a third-country national or stateless person, ***pursuant to Article 1 (1) of the 1954 Convention relating to the Status of Stateless persons***, who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.

Or. en

Amendment 1239

Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez, Loucas Furlas

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where a third-country national ***or stateless person*** who intends to make an application for international protection is in possession of a residence permit or visa which has

Where a third-country national who intends to make an application for international protection is in possession of a residence permit or visa which has expired ***within the***

expired, the application shall be made and registered in the Member State *where he or she is present*.

last two years and 6 months respectively, the application shall be made and registered in the Member State *that issued the residence permit or visa*.

Or. en

Amendment 1240
Nicola Procaccini

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.

Amendment

Without prejudice to Article 19(4), where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.

Or. en

Amendment 1241
Annalisa Tardino

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to

substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.

substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.

Member States competent authorities may, in accordance with national law impose additional obligations to the applicants that do not fully cooperate during the examination procedure in order to prevent unauthorised movements. Such obligations could be the wearing of an electronic bracelet or the request to sign a register at the local police post on daily basis.

Or. en

Amendment 1242

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for ***determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.***

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for ***processing his or her application.***

Or. en

Amendment 1243
Damien Carême

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority *may* set a ***time limit within the period referred to in Article 29(1)*** for submitting such evidence.

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority ***shall*** set a ***reasonable deadline*** for submitting such evidence ***taking into account the circumstances of the individual case and shall inform the applicant thereof. It shall be made possible that additional evidence is submitted after the take charge request is sent.***

Or. en

Amendment 1244
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member

State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.

State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence. ***The applicant shall fully cooperate in the recording of his or her biometric data.***

Or. en

Amendment 1245

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall **fully** cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting ***as soon as possible and at the latest during the interview referred to in Article 12, all the elements and*** information available to him or her relevant for determining the Member State responsible. ***Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.***

Amendment

3. The applicant shall cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting ***before the competent authority takes a decision on the responsible Member State in accordance with this Regulation, all*** information available to him or her relevant for determining the Member State responsible. ***It shall be made possible that additional evidence is submitted after the take charge request is sent. The circumstances of the individual case shall be taken into account.***

Or. en

Amendment 1246

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence.

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a ***reasonable and justifiable*** time limit within the period referred to in Article 29(1) for submitting such evidence.

Or. en

Amendment 1247

Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez, Loucas Fourlas

**Proposal for a regulation
Article 9 – paragraph 3**

Text proposed by the Commission

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting ***as soon as possible and at the latest during the interview referred to in Article 12, all the elements and*** information available to him or her relevant for determining the Member State responsible. ***Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided,*** the competent authority ***may set a time limit within the period referred to in Article 29(1) for submitting such evidence.***

Amendment

3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting ***information in order to determine*** the Member State responsible ***as soon as possible and, except for the application of the criteria on unaccompanied minors and family members, at the latest before the competent authority has taken a decision on the responsible Member State in accordance with this Regulation.***

Amendment 1248

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The applicant shall be required to be present in: *deleted*

(a) the Member State referred to in paragraphs 1 and 2 pending the determination of the Member State responsible and, where applicable, the implementation of the transfer procedure;

(b) the Member State responsible;

(c) the Member State of relocation following a transfer pursuant to Article 57(9).

Amendment 1249

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 9 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The applicant shall be required to be present in:

4. The applicant shall be required to be present *and to remain available to the competent administrative or judicial authorities* in:

Amendment 1250

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 9 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The applicant shall be ***required to be*** present in:

4. The applicant shall be present in:

Or. en

Amendment 1251

Nicola Procaccini

Proposal for a regulation

Article 9 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) ***the Member State of relocation following a transfer pursuant to Article 57(9).***

deleted

Or. en

Amendment 1252

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. Where a transfer decision is notified to the applicant in accordance with Article 32(2) and Article 57(8), the applicant shall comply with that decision.

5. Where a transfer decision is ***final and*** notified to the applicant in accordance with Article 32(2) and Article 57(8), the applicant shall comply with that decision. ***the applicant shall have the right to challenge the transfer decision and benefit from free legal assistance in accordance with the right to an effective***

remedy enshrined in Article 47 of the Charter.

Or. en

Amendment 1253

Damien Carême

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

5. Where a transfer decision *is notified to the applicant in accordance with Article 32(2) and Article 57(8)*, the applicant shall comply with that decision.

Amendment

5. Where a transfer decision *has become final*, the applicant shall comply with that decision.

Or. en

Amendment 1254

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Consequences of non-compliance

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant

has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities.

Or. en

Amendment 1255

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 10 – title

Text proposed by the Commission

Amendment

Consequences of non-compliance

Consequences of non-compliance *for the applicant*

Or. en

Amendment 1256

Damien Carême

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. *The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that*

1. *An applicant shall not be sanctioned for entering a Member State other than the Member State in which he or she is obliged to be present where Article 31 of the Geneva Convention*

Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

applies.

Or. en

Amendment 1257

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. ***The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental***

Amendment

1. ***An applicant shall not be sanctioned for entering a Member State other than the Member State in which he or she is obliged to be present in accordance with Article 31 of the Geneva Convention.***

Amendment 1258

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Amendment

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations. ***An applicant shall not be sanctioned for entering a Member State other than the Member State in which he or she is obliged to be present if they are there for reasons beyond their control.***

Justification

In instances where an applicant has entered another Member State as a result of being victim to human trafficking, or for another reason beyond their control, the automatic application of sanctions should not apply to them.

Amendment 1259

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Amendment

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present ***pursuant to Article 9(4) of this Regulation if he or she entered the territory of a Member State illegally or by using force, and*** pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Or. en

Amendment 1260

Annalisa Tardino

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, ***provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]***. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Or. en

Amendment 1261

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This

Amendment

1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation, ***including*** from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been ***duly*** informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening

shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Or. en

Amendment 1262

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Any applicant, who has entered the territory of a Member State illegally, shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.

Or. en

Amendment 1263

Nadine Morano

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An unauthorised movement by the applicant shall automatically result in the

invalidation of his or her application for international protection.

Or. fr

Amendment 1264

Damien Carême

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities.

Amendment

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities, *except for the application of the criteria on unaccompanied minors and family members or where non-compliance is the consequence of circumstances beyond the applicant's control or can be objectively justified by the applicant. A Member State may decide at any time to take charge of the applicant, in order to bring together any family relations, on humanitarian grounds based in particular on family or cultural considerations as per Article 25 of this Regulation.*

Or. en

Amendment 1265

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Elements and information relevant for determining the Member State

Amendment

2. Elements and information relevant for determining the Member State

responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities.

responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities, ***unless the elements or information are of such nature that it provides a key and reliable evidence for determining the Member State responsible.***

Or. en

Amendment 1266

Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez, Loucas Fourlas

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) ***shall*** not be taken into account by the competent authorities.

Amendment

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) ***must*** not be taken into account by the competent authorities, ***except for the application of the criteria on unaccompanied minors and family members.***

Or. en

Amendment 1267

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities.

Amendment

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities, ***except where non-compliance can be objectively justified by the***

applicant.

Or. en

Amendment 1268

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall **not** be taken into account by the competent authorities.

Amendment

2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall be taken into account by the competent authorities.

Or. en

Amendment 1269

Charlie Weimers, Laura Huhtasaari, Peter Kofod

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States are strongly encouraged to, within the scope of national legislation;

(i) criminalise illegal entry, including entry into the European Union in breach of a deportation order by a Member State, and penalise asylum seekers who arrive in Member States of the European Union without entry clearance with imposition of fines and/or imprisonment.

(ii) institute harsh penalties, including imprisonment for life when justified and proportionate, for human traffickers enabling asylum seekers to enter the

territory of Member States by illicit means.

Or. en

Amendment 1270

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In case the applicant does not cooperate with the authorities, thereby unduly delaying the procedure, his or her application should be rejected.

Or. en

Amendment 1271

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1272

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Amendment

Right to information

Right to information ***and cooperation***

Or. en

Amendment 1273

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. As soon as possible the Member State and the competent authorities of the Member State, assisted by the Asylum Agency, shall ensure that the third country national or stateless person, who intends to make an application to international protection, fully cooperates in matters covered by this Regulation, by informing him or her:

Or. en

Amendment 1274

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1275

Juan Ignacio Zoido Álvarez

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. *As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform* the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, *and in particular:*

Amendment

1. *The determining* Member State shall inform the applicant *in writing, or orally in a language the applicant understands or is reasonably expected to understand,* of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, *of the purpose of the personal interview referred to in Article 12, and of the assistance the Member State or non-governmental organisations can offer with regard to tracing family members or relatives. It shall also inform the applicant:*

Or. es

Amendment 1276

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular:

Amendment

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant *in a language the applicant understands,* of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, *of the purpose of the personal interview, of the legal aid and other forms of assistance that can be provided by the Member State and non-governmental organisations,* and in particular:

Amendment 1277

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, **its** competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular:

Amendment

1. As soon as possible and at the latest when an application for international protection is registered in a Member State **as set out in Article 27 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], the** competent authorities shall inform **in a language** the applicant **understands**, of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular:

Amendment 1278

Elissavet Vozemberg-Vrionidi, Loucas Fourlas

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities*** shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, ***and in particular:***

Amendment

1. ***The*** Member State shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, ***of the purpose of the personal interview referred to in Article 12.***

Amendment 1279
Damien Carême

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 ***as well as the consequences of non-compliance set out in Article 10***, and in particular:

Amendment

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9, and in particular:

Or. en

Amendment 1280
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 ***as well as the consequences of non-compliance set out in Article 10***, and in particular:

Amendment

1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9, and in particular:

Or. en

Amendment 1281
Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier

Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) that the right to apply for international protection does not encompass a choice by the applicant in relation to either the Member State responsible for examining the application for international protection or the Member State of relocation;

deleted

Or. en

Amendment 1282

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) that the right to apply for international protection does not encompass a choice by the applicant in relation to either the Member State responsible for examining the application for international protection or the Member State of relocation;

(a) that the right to apply for international protection does not encompass a choice by the applicant in relation to either the Member State responsible for examining the application for international protection or the Member State of relocation, *with the exception of the procedure referred to in Article 23b*;

Or. en

Amendment 1283

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) that the right to apply for international protection does not encompass a choice by the applicant ***in relation to either the*** Member State responsible for examining the application for international protection ***or the Member State of relocation;***

(a) that the right to apply for international protection does not encompass a choice by the applicant ***which*** Member state ***shall be*** responsible for examining the application for international protection, ***except in the situation provided under the terms set out in the procedure set out in Article 31a.***

Or. en

Amendment 1284

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) that the right to apply for international protection does not encompass a choice by the applicant in relation to ***either*** the Member State responsible for examining the application for international protection ***or the Member State of relocation;***

(a) that the right to apply for international protection does not encompass a choice by the applicant in relation to the Member State responsible for examining the application for international protection;

Or. en

Amendment 1285

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the

deleted

Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);

Or. en

Amendment 1286

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and ***the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);***

Amendment

(b) of the objectives of this Regulation and ***of the consequences of not cooperating with competent authorities or not showing up at a notification from the competent authorities;***

Or. en

Amendment 1287

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), ***in particular that the applicant shall only be entitled to the reception conditions as set***

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4);

out in Article 10(1);

Or. en

Amendment 1288

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1), ***as well as of the consequences of non-cooperation with the authorities;***

Or. en

Amendment 1289

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present ***pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);***

Amendment

(b) of the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present ***during the phases in which the Member state responsible under this regulation is being determined;***

Amendment 1290

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) of the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);

Or. en

Amendment 1291

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration, *in particular of the provisions relating to family reunification and, in that regard, of the applicable definition of family members and relatives;*

Or. en

Amendment 1292

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;

Amendment

(c) of ***the objectives of this Regulation***, the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration, ***including the specific criteria applied by Member states requested or notified in the individual case***;

Or. en

Amendment 1293

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;

Amendment

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration ***including the specific criteria applied and Member States requested to take charge or take back in the individual case***;

Or. en

Amendment 1294

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;

Amendment

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration, ***including the specific criteria applied and Member States requested or notified in the individual case***;

Or. en

Amendment 1295

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;

Amendment

(c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration; ***including the specific criteria applied and Member States requested or notified in the individual case***

Or. en

Amendment 1296

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) of the ***aim*** of the personal interview

Amendment

(d) of the ***purpose*** of the personal

pursuant to Article 12 and ***the obligation to submit and substantiate orally or through the provision of documents information*** as soon as possible in the procedure any relevant information that could help to establish the ***presence*** of family members, relatives ***or any other family relations in the*** Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

interview pursuant to Article 12 and ***of the provisions relating to family reunification and, in that regard, of the applicable definition of family members and relatives as well as of the need for the applicant to disclose*** as soon as possible in the procedure any relevant information that could help to establish the ***whereabouts*** of family members ***or*** relatives ***present in*** other Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Or. en

Amendment 1297
Damien Carême

Proposal for a regulation
Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) of the ***aim of the*** personal interview pursuant to Article 12 and the obligation to submit ***and substantiate*** orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Amendment

(d) of the ***right to a*** personal interview pursuant to Article 12, ***the procedure and aim of the interview, the consequences of non-attendance*** and the obligation to submit orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Or. en

Amendment 1298
Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit **and substantiate** orally or through the provision of documents information as soon as possible in the procedure **any relevant information** that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Amendment

(d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit orally, or through the provision of documents, **any relevant** information as soon as possible in the procedure that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Or. en

Amendment 1299

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit **and substantiate** orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Amendment

(d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives;

Or. en

Amendment 1300

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the applicant shall be informed that his or her absconding may prejudice the conduct of the interview and that, in any case, he or she has the right to ask for the interview to be conducted;

Or. en

Amendment 1301

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas; *deleted*

Or. en

Amendment 1302

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) of the obligation for the applicant to disclose, ***as soon as possible*** in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas;

Amendment

(e) of the obligation for the applicant to disclose, in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas. ***The competent authorities shall take into account the elements and information relevant for determining the Member state responsible submitted at any stage of the procedure, provided they have been submitted before the final decision determining the Member State responsible. In the period between the final decision and the actual transfer to a designated Member State, other relevant elements provided by the applicant shall be taken into consideration if the delay in submitting them is due to justified reasons.***

Or. en

Amendment 1303

Charlie Weimers

Proposal for a regulation

Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas;

Amendment

(e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas ***as well as all and any information about how they made it to the European Union from their country of origin and whether they passed through any safe countries on the way;***

Or. en

Amendment 1304

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) of the ***obligation*** for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas;

Amendment

(e) of the ***need*** for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas;

Or. en

Amendment 1305

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) of the possibility under Article 25 to request the discretionary clause be applied by any Member State from the Member State where they are present, as well as of the specific arrangements relating to the procedure;

Or. en

Amendment 1306

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) of the contact details of relevant bodies and organisations that can offer support in gathering necessary

information;

Or. en

Amendment 1307

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) of the obligation for the applicant to provide his or her biometric data;

Or. en

Amendment 1308

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) of the possibility, if no family or other meaningful links can be found during the procedure of the determination of the Member State responsible, to make a written, duly motivated request to be relocated to any Member States, in particular on the basis on cultural or social ties, language skills or other links that could facilitate his or her integration into a specific Member State and could not be taken into account under meaningful links as defined in this Regulation. These applications would be submitted by the determining Member State to these Member States, who would be able on a voluntary basis to accept responsibility;

Or. en

Amendment 1309

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) of the possibility for the applicant in the situation described in Article 23a to choose between the ten Member States with the lowest share of applicants pursuant to the reference key as referred to in Article 54;

Or. en

Amendment 1310

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) of the possibility for the applicant under Article 31a to choose between the five Member States with the lowest share of applicants pursuant to the distribution key as referred to in Article 54 and the possibility to register as a group to be relocated together;

Or. en

Amendment 1311

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the ***fact that the scope of that challenge is limited as laid down in Article 33(1)***;

Amendment

(f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the ***existence of the rights to have an effective remedy with automatic suspensive effect before a Court or a Tribunal in accordance with Article 47 of the Charter of Fundamental Rights, including in a situation where no transfer decision is taken***;

Or. en

Amendment 1312

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the fact that the scope of that challenge is limited as laid down in Article 33(1);

Amendment

(f) of the possibility ***and arrangements*** to challenge a transfer decision within the time limit set out in Article 33(2) and of the fact that the scope of that challenge is limited as laid down in Article 33(1) ***as well as the existence of the right to an effective remedy before a court or tribunal***;

Or. en

Amendment 1313

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) of the possibility ***to challenge*** a

Amendment

(f) of the possibility ***of and***

transfer decision *within the time limit set out in Article 33(2)* and of the *fact that the scope of that challenge is limited as laid down in Article 33(1)*;

arrangements for challenging a transfer decision and of the *existence of the right to have an effective remedy before a court or tribunal in accordance with Article 33, including in a situation where no transfer decision is issued.*

Or. en

Amendment 1314
Damien Carême

Proposal for a regulation
Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) of the possibility to challenge a transfer decision *within the time limit set out in Article 33(2)* and of the *fact that the scope of that challenge is limited as laid down in Article 33(1)*;

Amendment

(f) of the possibility to challenge *the rejection of a take charge request*, a transfer decision *or the lack of a transfer decision*, and of the *right to an effective remedy before a court or tribunal in accordance with Article 33*;

Or. en

Amendment 1315
Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation
Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the *fact that the scope of that challenge is limited as laid down in Article 33(1)*;

Amendment

(f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and, *where no transfer decision is issued*, of the *right to an effective remedy in accordance with Article 33*;

Or. en

Amendment 1316
Charlie Weimers

Proposal for a regulation
Article 11 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;

deleted

Or. en

Amendment 1317
Annalisa Tardino

Proposal for a regulation
Article 11 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;

(g) of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved; ***The expenses relating to legal assistance, shall not be directly borne by the budget of the Member State in which they are introduced, but by specific EU funds established for this purpose.***

Or. en

Amendment 1318
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 11 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) of the right to be granted, on

(g) of the right to be granted, on

request, legal assistance free of charge
*where the person concerned cannot afford
the costs involved;*

request, legal assistance *and
representation* free of charge *at all stages
of the procedure. This right is without
prejudice to the applicant's right to
choose his or her own legal representative
at his or her own cost.*

Or. en

Amendment 1319

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point g

Text proposed by the Commission

(g) of the right to be granted, on
request, legal assistance free of charge
where the person concerned cannot afford
the costs involved;

Amendment

(g) of the right to be granted, on
request, legal *and linguistic* assistance free
of charge *at all stages of the procedure*,
where the person concerned cannot afford
the costs involved;

Or. en

Amendment 1320

Nicola Procaccini

Proposal for a regulation

Article 11 – paragraph 1 – point g

Text proposed by the Commission

(g) of the right to be granted, on
request, legal assistance *free of charge
where the person concerned cannot afford
the costs involved;*

Amendment

(g) of the right to be granted, on
request, legal assistance;

Or. en

Amendment 1321

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point g

Text proposed by the Commission

(g) of the right to be granted, on request, legal assistance free of charge ***where the person concerned cannot afford the costs involved;***

Amendment

(g) of the right to be granted, on request, legal assistance free of charge;

Or. en

Amendment 1322

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) The legal assistance and representation shall, at least, include:

(a) the provision of information on the procedure in the light of the applicant's individual circumstances;

(b) assistance in the preparation of the personal interview and supporting documents and evidence to be provided as part of the interview, including participation in the personal interview;

(c) an explanation of the reasons for and consequences of a transfer decision as well as information as to how to challenge that decision or how to access remedies in situations where no transfer decision is taken.

(d) preparation of the required procedural documents and representation before a court or tribunal

In complying with this paragraph, 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.

Or. en

Amendment 1323

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) of the possibility under Article 25 to request the discretionary clause to be applied by any Member State from the Member State where they are present, as well as of the specific arrangements relating to the procedure;

Or. en

Amendment 1324

Annalisa Tardino

Proposal for a regulation

Article 11 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) that the competent authorities of Member States and the Asylum Agency will process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation;

(h) that the competent authorities of Member States and the Asylum Agency will process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation; *That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed*

within Eurodac.

Or. en

Amendment 1325

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) any other information in accordance with applicable Union or Member State law on the protection of natural persons with regard to the processing of personal data

Or. en

Amendment 1326

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) in the case of an unaccompanied minor, **of** the role and responsibilities of the **representative** and of the procedure to file complaints against a **representative** in confidence and safety and in full respect of the child's right to be heard in this respect;

(k) in the case of an unaccompanied minor **the guarantees and rights he or she is entitled to, including those specified in Articles 13 and 15 of the present Regulation, in particular** the role and responsibilities of the **guardian** and of the procedure to file complaints against a **guardian** in confidence and safety and in full respect of the child's right to be heard in this respect, **or the obligation for the Member States to safeguard the best interest of the child in any circumstances;**

Or. en

Amendment 1327

Damien Carême

Proposal for a regulation

Article 11 – paragraph 1 – point k

Text proposed by the Commission

(k) in the case of an unaccompanied minor, of the role and responsibilities of the **representative** and of the procedure to file complaints against a **representative** in confidence and safety and in full respect of the child's right to be heard in this respect;

Amendment

(k) in the case of an unaccompanied minor, of the role and responsibilities of the **guardian** and of the procedure to file complaints against a **guardian** in confidence and safety and in full respect of the child's right to be heard in this respect;

Or. en

Amendment 1328

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 1 – point k

Text proposed by the Commission

(k) in the case of an unaccompanied minor, of the role and responsibilities of the **representative** and of the procedure to file complaints against a **representative** in confidence and safety and in full respect of the child's right to be heard in this respect;

Amendment

(k) in the case of an unaccompanied minor, of the role and responsibilities of the **guardian** and of the procedure to file complaints against a **guardian** in confidence and safety and in full respect of the child's right to be heard in this respect;

Or. en

Amendment 1329

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 11 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) where applicable, of an age assessment, including by established medical methods, of an applicant or a DNA-test to prove a family-link;

Or. en

Amendment 1330

Elissavet Vozemberg-Vrionidi

Proposal for a regulation

Article 11 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) where applicable, of an age assessment of an applicant or exceptionally a DNA-test to prove a family-link;

Or. en

Amendment 1331

Nicola Procaccini

Proposal for a regulation

Article 11 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) where applicable, of the relocation procedure set out in Articles 57 and 58. ***deleted***

Or. en

Amendment 1332

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 11 – paragraph 1 – point l

Text proposed by the Commission

Amendment

**(l) where applicable, of the relocation
procedure set out in Articles 57 and 58.** *deleted*

Or. en

Justification

Deleted as Article 57 and 58 refer to the specific procedure for relocating beneficiaries of international protection.

Amendment 1333
Charlie Weimers

Proposal for a regulation
Article 11 – paragraph 1 – point l

Text proposed by the Commission

Amendment

**(l) where applicable, of the relocation
procedure set out in Articles 57 and 58.** *deleted*

Or. en

Amendment 1334
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 11 – paragraph 1 – point l

Text proposed by the Commission

Amendment

**(l) where applicable, of the relocation
procedure set out in Articles 57 and 58.** *deleted*

Or. en

Amendment 1335
**Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche,
Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari,**

Philippe Olivier

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. *The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.*

deleted

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12.

Or. en

Amendment 1336

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The information referred to in paragraph 1 shall be provided in **writing** in a language **that** the applicant understands **or is reasonably supposed to understand**. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

2. The information referred to in paragraph 1 shall be provided in **the mother tongue of the applicant or, if not possible**, in a language the applicant understands. **In both cases the information shall be provided in a concise, transparent, intelligible and easily accessible form, using clear and plain language**. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose. **The information shall be provided in writing**

and orally, where appropriate with the support of multimedia equipment. Oral information may be given either in individual or group sessions and applicants shall have the possibility to ask questions about the procedural steps they are expected to follow with regard to the process of determining a Member State responsible in accordance with this Regulation. When the applicant is a minor, information shall be provided in a child-friendly manner, including in both written and oral forms by appropriately trained staff and with the involvement of the guardian, notably about the process to identify family members or relatives in accordance with Article 15 of this Regulation.

Or. en

Amendment 1337

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands ***or is reasonably supposed to understand***. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Amendment

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands ***in a concise, transparent, intelligible and easily accessible form, using clear and plain language. With regard to minors and, in particular, to unaccompanied minors, the information shall be provided in a child-friendly manner by appropriately trained staff.*** Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose. ***The information shall be provided as soon as the application is made. The information shall be provided both in written and oral form, in addition where***

appropriate with the support of multimedia equipment. It may be given either in individual or group sessions and applicants shall have the possibility to ask questions about the procedural steps they are expected to follow with regard to the process of determining a responsible Member State in accordance with this Regulation. In the case of minors, information shall be provided in a child friendly manner by appropriately trained staff and with the involvement of the guardian.

Or. en

Amendment 1338

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands ***or is reasonably supposed to understand.*** Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Amendment

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose. ***When the applicant is a minor, information shall be provided in a child-friendly manner, including in both written and oral forms in a language that the minor understands.***

Or. en

Amendment 1339

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. ***The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand.*** Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Amendment

2. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Or. en

Amendment 1340

Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner, Abir Al-Sahlani

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Amendment

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose. ***When the applicant is a minor, information shall be provided in a child-friendly manner, both in written and oral form.***

Or. en

Amendment 1341

Damien Carême

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in

Amendment

2. The information referred to in

paragraph 1 shall be provided in writing in a language that the applicant understands *or is reasonably supposed to understand*. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

paragraph 1 shall be provided in writing in a language that the applicant understands. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Or. en

Amendment 1342

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands *or is reasonably supposed to understand*. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Amendment

2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.

Or. en

Amendment 1343

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article

Amendment

deleted

Amendment 1344

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation**Article 11 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate ***in connection*** with the personal interview as referred to in Article 12.

Amendment

The information shall also be supplied orally, where appropriate with ***the support of multimedia equipment. Oral information may also be given during*** the personal interview as referred to in Article 12. ***The competent authorities shall make sure the applicant understands the information specified in paragraph 1 and has the opportunity to ask for questions or clarifications.***

When the applicant is a minor, information shall be provided in a child-friendly manner by appropriately trained staff and with the involvement of the guardian.

Amendment 1345

Damien Carême

Proposal for a regulation**Article 11 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, ***where appropriate in connection with*** the personal interview as referred to in Article

Amendment

The information shall also be supplied orally, ***and in advance of*** the personal interview as referred to in Article 12.

12.

When the applicant is a minor, information shall be provided in a child-friendly manner, including in both written and oral forms in a language that the minor understands.

Or. en

Amendment 1346

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12.

Amendment

Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12. ***This information shall be adapted to the individual circumstances of the applicant.***

Or. en

Amendment 1347

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The competent authorities of the Member States shall keep the applicants informed on the progress of the procedures carried out under this Regulation with regard to their application. Such information shall be provided in writing at regular intervals. In the case of minors, the competent authorities shall inform both the minor

and the representative with the same modalities. The Commission shall be empowered to adopt implementing acts to establish the modalities for the provision of such information.

Or. en

Amendment 1348

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to increase applicants' understanding of the CEAS and the solidarity mechanism under this regulation, the Asylum Agency shall develop suitable information material, in close cooperation with national authorities, making full use of modern technologies. In order to assist applicants, the agency shall also develop audio-visual information material that can be used as a complement to written information material. The information material shall be translated and made available in all the major languages spoken by applicants for international protection arriving in the Union. The information material shall be adjusted to the different categories of applicants and their needs, in particular to ensure that minors have access to child-friendly information that is specific to their needs and situation.

Or. en

Amendment 1349

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

Amendment

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for ***specific target groups such as unaccompanied minors, adult applicants and accompanied minors*** containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information. ***Insofar as this information material includes information in accordance with data protection legislation, the Asylum Agency shall closely cooperate with the EDPS, the responsible national authorities and FRA when drawing up this material.***

Or. en

Amendment 1350

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for

Amendment

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for

unaccompanied minors, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

unaccompanied minors, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information. ***The European Union Agency for Asylum shall create specific information material intended particularly for the following target groups:***

- (a) ***adult applicants;***
- (b) ***unaccompanied minors;***
- (c) ***accompanied minors.***

Or. en

Amendment 1351

Annalisa Tardino

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1. ***That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac.*** The common information material shall be drawn up in such a manner as to enable Member States to

Amendment

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

complete it with additional Member State-specific information.

Or. en

Amendment 1352

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

Amendment

3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors ***and other vulnerable groups such as victims of human trafficking***, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

Or. en

Amendment 1353

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. The Asylum Agency shall, in close

Amendment

3. The Asylum Agency shall, in close

cooperation with the responsible national **agencies**, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

cooperation with the responsible national **authorities**, draw up common information **and** material, as well as a specific leaflet for unaccompanied minors **or other vulnerable groups**, containing at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.

Or. en

Amendment 1354

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The competent authorities of the Member States shall keep the applicants informed of the progress of the procedures carried out under this Regulation with regard to their application. The information shall be provided in writing at regular intervals, at least every two weeks. In the case of minors, the competent authorities shall, in accordance with the same arrangements, inform both the minor and the parent or guardian. The Commission shall be empowered to adopt implementing acts to establish the arrangements for the provision of such information.

Or. en

Amendment 1355

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Asylum Agency shall make sure this common information material is clear and available online, in an open and easily accessible platform for applicants.

Or. en

Amendment 1356

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 11 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The competent authorities of the Member States shall keep the applicants informed of the progress of the procedures carried out under this Regulation with regard to their application. The information shall be provided in writing at regular intervals. In the case of minors, the competent authorities shall, in accordance with the same arrangements, inform both the minor and the parent or guardian.

Or. en

Amendment 1357

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Free legal assistance

1. Without prejudice to the applicant's right to choose his or her own legal representative at his or her own cost, Member States shall provide free legal assistance and representation on matters relating to the application of this Regulation at all stages of the procedure where the applicant concerned cannot afford the costs involved. Member States may request a total or partial reimbursement of the costs incurred where the decision to cover such costs was taken on the basis of false information supplied by the applicant, provided that it can be established that the applicant can afford the costs involved.

2. The legal assistance and representation shall, at least, include:

(a) the provision of information on the procedure in the light of the applicant's individual circumstances;

(b) assistance in the preparation of the personal interview and supporting documents and evidence to be provided as part of the interview, including participation in the personal interview;

(c) an explanation of the reasons for and consequences of a transfer decision as well as information as to how to challenge that decision or how to access remedies in situations where no transfer decision is taken pursuant to Article 33

(d) the preparation of the required procedural documents and representation before a court or tribunal.

In complying with this paragraph, 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.

Procedures for access to legal assistance shall be laid down in national law.

Or. en

Amendment 1358

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the ***information supplied to*** the applicant in accordance with Article 11.

Amendment

1. In order to facilitate the process of determining the Member State responsible, the ***competent authorities of the*** determining Member State, ***assisted by the Asylum Agency***, shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the ***specific individual situation of*** the applicant ***and of the information he or she supplied*** in accordance with Article 11. ***The determining Member State shall proactively ask questions on all aspects of the claim that would allow for the determination of the Member States responsible. In any case, the presence of the legal representative of the applicant or of a representative of an institution for the protection and assistance of asylum seekers registered in the Member State shall be allowed at the interview.***

Or. en

Amendment 1359 Damien Carême

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11.

Amendment

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant ***before submitting a take charge or take back request. The applicant shall be entitled to request free legal assistance prior to the interview.*** The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11. ***The determining Member State shall proactively ask questions on all aspects of the claim that would allow for the determination of the Member State responsible, as well as aspects that would preclude the transfer of an applicant due to a risk of human rights violations in line with Article 8(3).***

Or. en

Amendment 1360

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11.

Amendment

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11. ***The determining Member State shall proactively ask questions on all aspects of***

the claim that would allow for the determination of the Member State responsible, as well as aspects that would impede the transfer of an applicant due to risk of fundamental rights violations.

Or. en

Amendment 1361

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article **11**.

Amendment

1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant ***thoroughly asking questions on all aspects of the claim that would allow for the determination of the Member State responsible***. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article **6**.

Or. en

Amendment 1362

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. In order to facilitate the process of determining the Member State responsible, the ***determining*** Member State shall conduct a personal interview with the applicant. The interview shall also allow

Amendment

1. In order to facilitate the process of determining the Member State responsible, the Member State ***of first entry*** shall conduct a personal interview with the applicant. The interview shall also allow

the proper understanding of the information supplied to the applicant in accordance with Article 11.

Amendment 1363

Proposal for a regulation

Article 12 – paragraph 2

Amendment

deleted

(b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;

Or. en

Amendment 1364

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. *The personal interview may be omitted where:* **deleted**

- (a) the applicant has absconded;*
- (b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;*
- (c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1).*

Or. en

Amendment 1365
Damien Carême

Proposal for a regulation
Article 12 – paragraph 2 – point a

Text proposed by the Commission

Amendment

- (a) the applicant has absconded;*
- (a) the applicant has absconded **and is not available to the authorities;***

Or. en

Amendment 1366
Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 12 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the applicant fails to produce identification and there are reasonable grounds to believe that such failure has been caused by the applicant;

Or. en

Amendment 1367

Damien Carême

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;

(b) the applicant has not attended the personal interview and has not, **upon request**, provided justified reasons for his or her absence;

Or. en

Amendment 1368

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1).

(c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1), **including the opportunity for an interview.**

Amendment 1369
Damien Carême

Proposal for a regulation
Article 12 – paragraph 2 – point c

Text proposed by the Commission

(c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1).

Amendment

(c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means ***and does not request to be heard***. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1).

Amendment 1370
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.

Amendment

3. The personal interview shall take place in a timely manner and, in any event, before any ***decision on the Member State responsible is taken or a*** take charge request is made pursuant to Article 29.

Amendment 1371

Damien Carême

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.

Amendment

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29 ***or a take back request is made pursuant to Article 31.***

Or. en

**Amendment 1372
Charlie Weimers**

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. The personal interview shall take place in a timely manner ***and, in any event, before any take charge request is made pursuant to Article 29.***

Amendment

3. The personal interview shall take place in a timely manner.

Or. en

Amendment 1373

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.

Amendment

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29 ***or take back request pursuant to Article 31.***

Amendment 1374

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request **is made** pursuant to Article 29.

Amendment

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request pursuant to Article 29 **or take back request pursuant to Article 31 is made.**

Amendment 1375

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.

Amendment

3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29 **or take back request pursuant to Article 31.**

Amendment 1376

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The personal interview shall take place ***in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.***

3. The personal interview shall take place ***immediately and close to where the applicant entered the territory of a Member State.***

Or. en

Amendment 1377

Charlie Weimers

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. ***The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.***

deleted

Or. en

Amendment 1378

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied **minors** shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the **minor's** legal advisor. Where necessary, Member States shall have recourse to an interpreter, **and where appropriate a cultural mediator**, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. **The applicant may request to be interviewed and assisted by staff of the same sex.**

Amendment

4. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied **children** shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the **child's** legal advisor. Where necessary, Member States shall have recourse to an interpreter, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview.

Or. en

Amendment 1379

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands **or is reasonably supposed to understand and in which he or she is able to communicate**. Interviews of **unaccompanied** minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the **representative** and, where applicable, the

Amendment

4. The personal interview shall be conducted in **the mother tongue of the applicant or in** a language that the applicant understands. Interviews of minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the **guardian** and, where applicable, the minor's legal advisor. Where necessary,

minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Or. en

Amendment 1380

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands ***or is reasonably supposed to understand*** and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the ***representative*** and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Amendment

4. The personal interview shall be conducted in a language that the applicant understands and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the ***guardian*** and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Or. en

Amendment 1381 Damien Carême

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands ***or is reasonably supposed to understand*** and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the ***representative*** and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Amendment

4. The personal interview shall be conducted in a language that the applicant understands and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the ***guardian*** and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Or. en

Amendment 1382

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands ***or is reasonably supposed to understand*** and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary,

Amendment

4. The personal interview shall be conducted in a language that the applicant understands and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have ***access*** to an

Member States shall have **recourse** to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Or. en

Amendment 1383

Nadine Morano

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant **may request** to be interviewed **and** assisted by staff of the same sex.

Amendment

4. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant **shall not be entitled** to be interviewed **or** assisted by staff of the same sex.

Or. fr

Amendment 1384

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The personal interview shall be conducted in a language that the applicant understands ***or is reasonably supposed to understand*** and in which he or she is able to communicate. Interviews of ***unaccompanied*** minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to ***an*** interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Amendment

4. The personal interview shall be conducted in a language that the applicant understands and in which he or she is able to communicate. Interviews of minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor ***or counsellor***. Where necessary, Member States shall have recourse to ***a qualified*** interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.

Or. en

Amendment 1385

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In addition to the presence of the legal advisor or counsellor and, where applicable, a representative during the interview, the applicant shall have the right to nominate one person of his or her trust to accompany him or her to the interview.

Or. en

Amendment 1386

Charlie Weimers, Laura Huhtasaari, Peter Kofod

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for *the determination of the Member State responsible*.

Amendment

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for *swift processing of applications for international protection in Member States or reception centres in third country partner states*.

Or. en

Amendment 1387

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively

Amendment

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support *including sufficient time* in order to create the conditions necessary

presenting all elements allowing for the determination of the Member State responsible.

for effectively presenting all elements allowing for the determination of the Member State responsible.

Or. en

Amendment 1388

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of *special* procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible.

Amendment

5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of *specific* procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible.

Or. en

Amendment 1389

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The person conducting the personal interview shall have received sufficient training to take account of the personal and general circumstances of the

applicant, including their cultural origin, age, gender, sexual orientation, gender identity, and vulnerability. Staff interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indicators showing that the person may have been tortured or victim of gender-based violence in the past.

Or. en

Amendment 1390

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Member State shall ensure that there are appropriate standard operating procedures in place in order to ensure that appropriate protection measures are taken with respect to applicants at risk of being exploited for the purposes of trafficking in human beings or other organised crime activities.

Or. en

Amendment 1391

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Member State conducting the personal interview shall make a written

6. The Member State conducting the personal interview shall make a written

summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant *or* the legal advisor *or* other counsellor who is representing the applicant have *timely* access to the summary.

summary thereof which shall contain at least the main information supplied by the applicant at the interview. The ***information in the summary shall be verified with the applicant and, where relevant, the representative and legal advisor or counsellor, during the interview.*** The summary may either take the form of a report or a standard form. The Member State shall ***make an audio recording of the interview.*** The Member State shall ensure that the applicant *and* the legal advisor *and* other counsellor who is representing the applicant have access to the summary ***as well as the audio recording as soon as possible after the interview, and in any event before a transfer decision is taken.***

Or. en

Amendment 1392

Damien Carême

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary ***may either*** take the form of a report *or a standard form*. The Member State shall ensure that the applicant *or* the legal ***advisor or other counsellor*** who is representing the applicant have *timely* access to the summary.

Amendment

6. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The ***main elements to be included in the summary shall, by the end of the interview, be verified by the applicant, and, where relevant, by the guardian and/or legal adviser.*** ***This summary shall*** take the form of a report. ***The Member State shall make an audio recording of the interview.*** The Member State shall ensure that the applicant ***and/or the guardian, as well as*** the legal ***adviser*** who is representing the applicant have access to the summary ***as soon as possible after the interview, and in any event before a transfer decision is***

taken.

Or. en

Amendment 1393

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have timely access to the summary.

Amendment

6. The Member State conducting the personal interview ***shall make an audio recording of the interview and*** shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have timely access to the summary, ***and in any case before any decision on the Member State responsible is taken or a take charge request is made pursuant to Article 29.***

Or. en

Amendment 1394

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. The Member State conducting the personal interview shall ***make a*** written ***summary thereof which shall contain at least*** the main ***information*** supplied by the

Amendment

6. The Member State conducting the personal interview shall ***draft*** written ***minutes***. The main ***elements to be included in the minutes shall, by the end of the***

applicant *at the interview. The summary may either take the form of a report or a standard form.* The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have *timely* access to the *summary*.

interview, be verified by the applicant, *and, where relevant, by the guardian and the legal representative.* The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have access to the *minutes as soon as possible after the interview, and in any event before a transfer decision is taken.*

Or. en

Amendment 1395

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 13 – title

Text proposed by the Commission

Amendment

Guarantees for minors

Guarantees for minors *and children*

Or. en

Amendment 1396

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. The best interests of the child shall be *a primary* consideration for Member States with respect to all procedures provided for in this Regulation.

1. The best interests of the child *and minor* shall be *an important* consideration for Member States with respect to all procedures provided for in this Regulation, *as long as the minor did not engage in acts of violence towards other persons or property in the Member State(s). If such violent acts are committed, any special treatment due to age might be revoked at*

the discretion of the responsible Member State.

Or. en

Amendment 1397

Sophia in 't Veld, Hilde Vautmans, Jan-Christoph Oetjen, Michal Šimečka, Moritz Körner, Karen Melchior

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

1. The best interests of the child shall be **a** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **the** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Or. en

Amendment 1398

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

1. The best interests of the child shall be **a** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **the** primary consideration for Member States with respect to all procedures provided for in this Regulation.

Or. en

Amendment 1399

Nadine Morano

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

1. The best interests of the child shall be **a primary** consideration **for** Member States with respect to all procedures provided for in this Regulation.

Amendment

1. The best interests of the child shall be **taken into** consideration **by** Member States with respect to all procedures provided for in this Regulation.

Or. fr

Amendment 1400

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Persons seeking to gain the status of a minor or an unaccompanied minor shall undergo bone testing for the purpose of excluding the most manifestly unfounded applications.

Any refusal to undergo this testing shall mean that such a status is not recognised.

These provisions shall not apply in cases where the person's age can be substantiated by means of formal and incontrovertible evidence such as a genuine identity card.

Or. fr

Amendment 1401

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the unaccompanied child or minor does not have legitimate

identification documentation proving his or her age, the Member State responsible can determine the individual's age through approved medical procedures.

Or. en

Amendment 1402

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States are encouraged to ensure the swift and appropriate safe placement of children while awaiting family reunification and the return to their home countries or placement in the region close to their home.

Or. en

Amendment 1403

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. ***Each Member State where an unaccompanied minor is present*** shall ensure that ***he or she is*** represented and assisted by a representative with respect to ***the relevant*** procedures provided for in this Regulation. The representative shall have the qualifications, training ***and*** expertise to ensure that the best interests of the minor are taken into consideration during ***the*** procedures carried out under this

2. Member ***States*** shall ensure that ***minors are*** represented and assisted by a representative ***and a legal advisor*** with respect to ***all*** procedures provided for in this Regulation. The representative shall have the ***resources***, qualifications, training, expertise ***and independence*** to ensure that the best interests of the minor are taken into consideration during ***all*** procedures carried out under this Regulation. Such

Regulation. Such representative shall have access to the content of ***the relevant*** documents in the applicant's file including the specific information material for ***unaccompanied minors***.

representative shall have access to the content of ***all*** documents in the applicant's file including the specific information material for ***children and shall inform the child accordingly about the procedure***. ***The representative shall be appointed as soon as possible but at the latest within 5 days from the date of arrival and in any event prior to the collection of biometric data pursuant to Article [XX or XX of Regulation (EU) XXXX/XX/EU [Eurodac regulation]].***

Or. en

Amendment 1404

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State where an unaccompanied minor is present shall ensure that he or she is represented and assisted by a ***representative*** with respect to the relevant procedures provided for in this Regulation. The ***representative*** shall have the qualifications, training ***and*** expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such ***representative*** shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors.

Amendment

2. Each Member State where an unaccompanied minor is present shall ensure that he or she is represented and assisted by a ***guardian*** with respect to the relevant procedures provided for in this Regulation. The ***responsible authorities shall appoint a guardian, as soon as possible and prior to the collection of biometric data pursuant to Article 10(1) or 13(1) of Regulation (EU) XXXX/XX (Eurodac Regulation) and in any event no later than 24 hours after the making of the application***. The ***guardian*** shall have the qualifications, training, expertise ***and independence*** to ensure that the best interests of the minor are taken into consideration during the ***whole*** procedures carried out under this Regulation. Such ***guardian*** shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied

minors.

Or. en

Amendment 1405

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. *Each Member State where an unaccompanied minor is present* shall ensure that *he or she is* represented and assisted by a *representative* with respect to the relevant procedures provided for in this Regulation. The *representative* shall have the qualifications, training *and* expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for *unaccompanied* minors.

Amendment

2. Member *States* shall ensure that *minors are* represented and assisted by a *guardian* with respect to the relevant procedures provided for in this Regulation. The *guardian* shall have the *resources*, qualifications, training, expertise *and independence* to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for minors, *and shall inform the child accordingly about the procedure. The guardian shall be appointed as soon as possible but, at the latest, within two days after the arrival, and in any event prior to the collection of biometric data pursuant to Articles 10, 13 and 14a of Regulation (EU) XXX/XXX (Eurodac Regulation)*

Or. en

Amendment 1406

Damien Carême

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. ***Each Member State where an unaccompanied minor is present*** shall ensure that ***he or she is*** represented and assisted by a ***representative*** with respect to the relevant procedures provided for in this Regulation. ***The representative*** shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors.

Amendment

2. Member ***States*** shall ensure that ***unaccompanied children are*** represented and assisted by a ***guardian and a legal adviser*** with respect to the relevant procedures provided for in this Regulation. ***These representatives*** shall have the ***resources***, qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors, ***and shall inform the child accordingly about the procedure.***

Or. en

Amendment 1407

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. ***Each Member State where an unaccompanied minor is present*** shall ensure that ***he or she is*** represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such ***representative*** shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors.

Amendment

2. Member ***States*** shall ensure that ***unaccompanied minors are*** represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the ***resources***, qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such ***representatives*** shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors ***and shall inform the minor accordingly about the procedure.***

Or. en

Amendment 1408

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. Each Member State where an unaccompanied **minor** is present shall ensure that he or she is represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied **minors**.

Amendment

2. Each Member State where an unaccompanied **child** is present shall ensure that he or she is represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied **children**

Or. en

Amendment 1409

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the **minor**. The first subparagraph shall apply to that person.

Amendment

Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the **child**. The first subparagraph shall apply to that person.

Or. en

Amendment 1410
Damien Carême

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where an organisation is appointed as a **representative**, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

Amendment

Where an organisation is appointed as a **guardian**, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

Or. en

Amendment 1411
Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where an organisation is appointed as a **representative**, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

Amendment

Where an organisation is appointed as a **guardian**, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

Or. en

Amendment 1412
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where an organisation is appointed as a

Amendment

Where an organisation is appointed as a

representative, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

guardian, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.

Or. en

Amendment 1413

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The representative provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Amendment

For the purpose of this Article, the Member States shall apply Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Or. en

Amendment 1414

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The **representative** provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Amendment

The **guardian** provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Or. en

Amendment 1415

Damien Carême

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The **representative** provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Amendment

The **guardian** provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].

Or. en

Amendment 1416

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. The **representative of an unaccompanied minor** shall **be involved** in the process of establishing the Member State responsible under this Regulation. **The representative** shall assist the **unaccompanied** minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Amendment

3. The **guardian** shall **represent the minor** in the process of establishing the Member State responsible under this Regulation **and any other right recognized to the minor. The guardian** shall assist the minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose, **and with due regard to confidentiality obligations to the minor.**

The guardian shall ensure the minor has access to information, legal advice and representation concerning the procedures under this Regulation and shall keep the minor informed on the progress in the procedures under this Regulation concerning him or her.

The guardian shall have access to the content of the relevant documents in the minor's file including the specific information material for unaccompanied minors and the forms provided for in Article 6.

Guardians shall receive regular training and support to undertake their tasks.

Or. en

Amendment 1417

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The representative of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation. The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Amendment

3. The representative of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation ***to the greatest extent possible***. The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose ***and with due regard to confidentiality obligations to the child. The representative shall ensure the minor has access to information, legal advice and representation concerning the procedures under this Regulation and shall keep the minor informed on the progress in the procedures under this Regulation concerning him or her. The representative shall have access to the content of the relevant documents in the minor's file including the specific information material for unaccompanied***

minors. Representatives shall receive regular training and support to undertake their tasks.

Or. en

Amendment 1418
Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. ***The representative of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation.***

The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Amendment

3. The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Or. en

Amendment 1419
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The ***representative*** of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation. ***The representative*** shall assist the unaccompanied minor to provide

Amendment

3. The ***guardian*** of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation ***from the start of the procedure. The guardian*** shall assist the unaccompanied minor to provide

information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, **and** shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose, **and shall keep the minor informed on the progress in the procedures under this Regulation.**

Or. en

Amendment 1420

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The representative of an unaccompanied **minor** shall be involved in the process of establishing the Member State responsible under this Regulation. The representative shall assist the unaccompanied **minor** to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Amendment

3. The representative of an unaccompanied **child** shall be involved in the process of establishing the Member State responsible under this Regulation. The representative shall assist the unaccompanied **child** to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Or. en

Amendment 1421

Damien Carême

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The **representative** of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation. The **representative** shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Amendment

3. The **guardian** of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation. The **guardian** shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose.

Or. en

Amendment 1422

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

4. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:

Amendment

4. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following ***non-exhaustive list of factors and rights of the child***:

Or. en

Amendment 1423

Damien Carême

Proposal for a regulation

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

4. In assessing the best interests of the child, Member States shall closely

Amendment

4. In assessing the best interests of the child, Member States shall closely

cooperate with each other and shall, in particular, take due account of the following factors:

cooperate with each other and shall, in particular, take due account of the following ***non-exhaustive list of factors and rights of the child:***

Or. en

Amendment 1424

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:

4. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following ***non-exhaustive list of factors and rights of the child:***

Or. en

Amendment 1425

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. In assessing the best interests of the child, Member States shall closely cooperate with each other ***and shall, in particular, take due account of the following factors:***

4. In assessing the best interests of the child, Member States shall closely cooperate with each other.

Or. fr

Amendment 1426

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:

4. In assessing the best interests of the child, Member States shall closely cooperate **and exchange information** with each other and shall, in particular, take due account of the following factors:

Or. en

Amendment 1427

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) **family reunification possibilities;** **deleted**

Or. fr

Amendment 1428

Damien Carême

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) family reunification possibilities; (a) **the preservation of family life, including** family reunification possibilities;

Or. en

Amendment 1429

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier

Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) family reunification possibilities;

(a) ***the preservation of family life, including*** family reunification possibilities;

Or. en

Amendment 1430

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) family reunification possibilities;

(a) ***the preservation of family life, including*** family reunification possibilities;

Or. en

Amendment 1431

Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner, Abir Al-Sahlani

Proposal for a regulation

Article 13 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) family reunification possibilities;

(a) ***The right to family life, including*** family reunification possibilities;

Or. en

Amendment 1432

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation
Article 13 – paragraph 4 – point a

Text proposed by the Commission

- (a) family reunification possibilities;

Amendment

- (a) ***the right to family life, including***
family reunification possibilities;

Or. en

Amendment 1433
Nadine Morano

Proposal for a regulation
Article 13 – paragraph 4 – 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

deleted

Or. fr

Amendment 1434
Damien Carême

Proposal for a regulation
Article 13 – paragraph 4 – 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 ***in the short, medium and long term***, taking into particular consideration the minor's ***ethnic, religious, cultural and linguistic*** background ***and further having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services;***

Or. en

Amendment 1435

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 13 – paragraph 4 – 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, ***in the short, medium and long term***, taking into particular consideration ***his or her ethnic, religious, cultural and linguistic background and the need for stability and continuity in the minor's care and custodial arrangements and access to health and education services***;

Or. en

Amendment 1436

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – 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 ***ethnic, religious, cultural and linguistic background and further having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services***;

Or. en

Amendment 1437

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 4 – 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 ***ethnic, religious, cultural and linguistic*** background ***and further having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services;***

Or. en

Amendment 1438

Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner, Abir Al-Sahlani

Proposal for a regulation

Article 13 – paragraph 4 – 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 ***ethnic, religious, cultural and linguistic*** background, ***while having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services;***

Or. en

Amendment 1439

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – 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, ***access to health and education services*** and social development, taking into particular consideration the minor's background, ***including his or her ethnic, religious, cultural and linguistic background and the need for stability and continuity in his or her care***;

Or. en

Amendment 1440

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 13 – paragraph 4 – 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 ***physical and mental*** well-being and social development, taking into particular consideration the minor's background;

Or. en

Amendment 1441

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 4 – 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 ***child's*** well-being and social development, taking into particular consideration the ***child's*** background;

Or. en

Amendment 1442

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

***(ba) situations of vulnerability,
including trauma, specific health needs
and disability;***

Or. en

Amendment 1443

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 4 – point c

Text proposed by the Commission

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, including
trafficking in human beings;*** ***deleted***

Or. fr

Amendment 1444

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation

Article 13 – paragraph 4 – point c

Text proposed by the Commission

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, including
trafficking in human beings;*** ***(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 including
trafficking in human beings and, the
consideration that detention is never in***

the best interest of the child;

Or. en

Amendment 1445

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of violence and exploitation, including trafficking in human beings;

Amendment

(c) safety and security considerations, in particular ***where the child is an asylum seeker or refugee or*** where there is a risk of the minor being a victim of any form of violence and exploitation, including trafficking in human beings ***or violence within the family;***

Or. en

Amendment 1446

Damien Carême

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of violence and exploitation, including trafficking in human beings;

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, including trafficking in human beings ***or violence within the family;***

Or. en

Amendment 1447

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of violence and exploitation, including trafficking in human beings;

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, including trafficking in human beings ***or violence within the family***;

Or. en

Amendment 1448

Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner, Abir Al-Sahlani

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of violence and exploitation, including trafficking in human beings;

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, including trafficking in human beings ***or violence within the family***;

Or. en

Amendment 1449

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of

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, including trafficking in human beings;

violence and exploitation, including trafficking in human beings *or violence within the family*;

Or. en

Amendment 1450

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 4 – 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 any form of violence and exploitation, including trafficking in human beings;

Amendment

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

Or. en

Amendment 1451

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) situations of vulnerability, including psycho-physical trauma, specific health needs and disability;

Or. en

Amendment 1452

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 13 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

**(ca) situations of vulnerability,
including trauma, specific health needs
and disability;**

Or. en

Amendment 1453
**Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin
Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier**

Proposal for a regulation
Article 13 – paragraph 4 – point c b (new)

Text proposed by the Commission

Amendment

**(cb) the guarantee of a handover to a
designated representative in the receiving
Member State;**

Or. en

Amendment 1454
**Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin
Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier**

Proposal for a regulation
Article 13 – paragraph 4 – point c c (new)

Text proposed by the Commission

Amendment

**(cc) the need for decisions concerning
minors to be treated with priority;**

Or. en

Amendment 1455
Nadine Morano

Proposal for a regulation
Article 13 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) the views of the minor, in accordance with his or her age and maturity;

deleted

Or. fr

Amendment 1456

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 13 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) the views of the minor, in accordance with his or her age and maturity;

(d) the views of the minor, in accordance with his or her age and maturity *and in accordance with his or her right to be heard*;

Or. en

Amendment 1457

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 13 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(d) the views of the minor, in accordance with his or her age and maturity;

(d) the views of the minor *or child*, in accordance with his or her age and maturity;

Or. en

Amendment 1458

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) the need for decisions concerning minors to be treated with priority;

Or. en

Amendment 1459

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – point d b (new)

Text proposed by the Commission

Amendment

(db) In assessing the best interests of the minor, the minor's right to be heard must be guaranteed to every child capable of forming his or her own views.

Or. en

Amendment 1460

Nadine Morano

Proposal for a regulation

Article 13 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) where the applicant is an unaccompanied minor, the information provided by the representative in the Member State where the unaccompanied minor is present. ***deleted***

Amendment 1461

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 4 – point e

Text proposed by the Commission

(e) where the applicant is ***an unaccompanied*** minor, the information provided by the ***representative*** in the Member State where the ***unaccompanied*** minor is present.

Amendment

(e) where the applicant is ***a*** minor, the information provided by the ***guardian*** in the Member State where the minor is present.

Or. en

Amendment 1462

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 4 – point e

Text proposed by the Commission

(e) where the applicant is an unaccompanied ***minor***, the information provided by the representative in the Member State where the unaccompanied ***minor*** is present.

Amendment

(e) where the applicant is an unaccompanied ***child***, the information provided by the representative in the Member State where the unaccompanied ***child*** is present.

Or. en

Amendment 1463

Damien Carême

Proposal for a regulation

Article 13 – paragraph 4 – point e

Text proposed by the Commission

(e) where the applicant is an unaccompanied minor, the information provided by the ***representative*** in the Member State where the unaccompanied minor is present.

Amendment

(e) where the applicant is an unaccompanied minor, the information provided by the ***guardian*** in the Member State where the unaccompanied minor is present.

Or. en

Amendment 1464

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – point e

Text proposed by the Commission

(e) where the applicant is an unaccompanied minor, the information provided by the ***representative*** in the Member State where the unaccompanied minor is present.

Amendment

(e) where the applicant is an unaccompanied minor, the information provided by the ***guardian*** in the Member State where the unaccompanied minor is present.

Or. en

Amendment 1465

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the guarantee of a handover to a designated guardian in the receiving Member State in case of a transfer;

Or. en

Amendment 1466

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

deleted

Or. en

Amendment 1467

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. Before transferring *an unaccompanied* minor to the Member

5. Before transferring *a* minor to the Member State responsible or, where

State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall ***make sure*** that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***an unaccompanied*** minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

applicable, to the Member State of relocation, the transferring Member State shall ***obtain guarantees assessed on the individual case*** that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***or not transfer a*** minor shall be preceded by an ***individual and multidisciplinary*** assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by ***multidisciplinary*** staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration. ***The multidisciplinary assessment shall involve competent staff with expertise in child protection and child psychology and development and shall also include, as a minimum, the minor's guardian and legal advisor.***

Before the transfer of a minor, the receiving Member State shall appoint a guardian as soon as possible, but in any event within five working days of the confirmation of the transfer decision. The competent authorities shall communicate the information regarding the guardian appointed by the receiving Member State to the current guardian together with the arrangements for the transfer.

Or. en

Amendment 1468

Charlie Weimers, Laura Huhtasaari, Peter Kofod

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring an unaccompanied minor to ***the Member State responsible or, where applicable, to the Member State of relocation, the transferring*** Member State shall make sure that the ***Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision.*** The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the ***minor*** are taken into consideration.

Amendment

5. Before transferring an unaccompanied minor to ***a third country partner state for processing and possible facilitation of international protection, the*** Member State shall make sure that the ***individual poses no risk to citizens of the*** Member State ***until he or she has been transferred to a third country*** reception centre. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the ***citizens*** are taken into consideration.

Or. en

Amendment 1469

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring ***an unaccompanied*** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23

Amendment

5. Before transferring ***a*** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall ***obtain individual guarantees to*** make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23

of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***an unaccompanied*** minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on ***these*** factors shall be clearly stated in the transfer decision. The assessment shall ***be done swiftly by*** staff with ***the qualifications and*** expertise to ***ensure that the best interests of the minor are taken into consideration.***

of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***or not to transfer a*** minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on ***each of the*** factors shall be clearly stated in the transfer decision. The ***multidisciplinary*** assessment shall ***involve competent*** staff with expertise ***in child rights, psychology and development and shall involve, at a minimum, the minor's guardian and legal advisor or counsellor.***

Or. en

Amendment 1470
Nicola Procaccini

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring an unaccompanied minor to the Member State responsible ***or, where applicable, to the Member State of relocation***, the transferring Member State shall make sure that the Member State responsible ***or the Member State of relocation*** takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff

Amendment

5. Before transferring an unaccompanied minor to the Member State responsible, the transferring Member State shall make sure that the Member State responsible takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of

with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

the minor are taken into consideration.

Or. en

Amendment 1471
Nadine Morano

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. ***The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors*** shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Amendment

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The conclusions of the assessment shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. fr

Amendment 1472
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Amendment

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay, **and appoints a guardian**. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. en

Amendment 1473

Damien Carême

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring **an unaccompanied** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception

Amendment

5. Before transferring **a** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall **obtain individualised guarantees to** make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive

Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***an unaccompanied*** minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***a*** minor shall be preceded by an ***individual*** assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. en

Amendment 1474

Maria Walsh, Deirdre Clune, Seán Kelly, Frances Fitzgerald, Colm Markey

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall ***make sure*** that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor

Amendment

5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall ***guarantee*** that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor

are taken into consideration.

are taken into consideration.

Or. en

Amendment 1475

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. Before transferring ***an unaccompanied*** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***an unaccompanied*** minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Amendment

5. Before transferring ***a*** minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer ***a*** minor shall be preceded by an ***individual*** assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.

Or. en

Amendment 1476

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 13 – paragraph 6 – introductory part

Text proposed by the Commission

6. For the purpose of applying Article 15, the Member State where the unaccompanied **minor's** application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Amendment

6. For the purpose of applying Article 15, the Member State where the unaccompanied **minor or child's** application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor **or child** on the territory of Member States, whilst protecting the best interests of the child.

Or. en

Amendment 1477
Damien Carême

Proposal for a regulation
Article 13 – paragraph 6 – introductory part

Text proposed by the Commission

6. For the purpose of applying Article 15, the Member State where **the** unaccompanied minor's application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Amendment

6. For the purpose of applying Article 15, the Member State where **an** unaccompanied minor's application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Or. en

Amendment 1478
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 13 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. For the purpose of applying Article 15, the Member State where the **unaccompanied** minor's application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the **unaccompanied** minor on the territory of Member States, whilst protecting the best interests of the child.

6. For the purpose of applying Article 15, the Member State where the minor's application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the minor on the territory of Member States, whilst protecting the best interests of the child.

Or. en

Amendment 1479

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 6 – introductory part

Text proposed by the Commission

6. For the purpose of applying Article 15, the Member State where the unaccompanied minor's application for international protection was registered shall, **as soon as possible**, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Amendment

6. For the purpose of applying Article 15, the Member State where the unaccompanied minor's application for international protection was registered shall **immediately** take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child.

Or. en

Amendment 1480

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 1

Text proposed by the Commission

To that end, that Member State may call for the assistance of international or other

Amendment

To that end, that Member State may call for the assistance of international or other

relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.

relevant organisations, and may facilitate the minor's access to the tracing services of such organisations, *as soon as possible after an application for international protection is made, whilst protecting his or her best interest.*

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 confidential basis, so as to avoid jeopardising their safety

Or. en

Amendment 1481

Damien Carême

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 1

Text proposed by the Commission

To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.

Amendment

To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such 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 confidential basis, so as to avoid jeopardising their safety.*

Or. en

Amendment 1482

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 1

Text proposed by the Commission

To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.

Amendment

To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations ***as soon as possible after an application for international protection is made, whilst protecting his other 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 confidential basis, so as to avoid jeopardising their safety.***

Or. en

Amendment 1483

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors ***including training on rights of the child and child psychology and development.***

Such training shall also include modules on risk assessment to target care and protection depending on the individual needs of the minor, with a specific focus on early identification of victims of trafficking in human beings and of abuse, as well as training on good practices to prevent disappearance.

Or. en

Amendment 1484

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The staff of the competent authorities referred to in Article 41 who deal with requests concerning ***unaccompanied*** minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 41 who deal with requests concerning minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors, ***including training on rights of the child and child psychology and development. Such training shall also include modules on risk assessment to target care and protection depending on the individual needs of the minor, with a specific focus on early identification of victims of trafficking in human beings and of abuse, as well as training on good practices to prevent disappearance.***

Or. en

Amendment 1485

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Michal Šimečka, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors **and the identification of vulnerabilities or trauma**.

Or. en

Amendment 1486

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The staff of the competent authorities referred to in Article 41 who deal with requests concerning **unaccompanied** minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 41 who deal with requests concerning minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Or. en

Amendment 1487

Damien Carême

Proposal for a regulation

Article 13 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The staff of the competent authorities referred to in Article 41 who deal with requests concerning **unaccompanied** minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment

The staff of the competent authorities referred to in Article 41 who deal with requests concerning minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.

Amendment 1488
Damien Carême

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission ***shall*** adopt implementing acts ***including*** a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 68 concerning:***

(a) the identification of family members or relatives;

(b) the criteria for establishing the existence of proven family links.

The Commission shall, by means of implementing acts, ***establish*** a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment 1489
Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing **acts including** a standard form for the exchange of relevant information between Member States. **Those** implementing **acts** shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt **delegated acts**

(a) the identification of family members or relatives;

(b) the criteria for establishing the existence of proven family links.

The Commission shall adopt an implementing **act establishing** a standard form for the exchange of relevant information between Member States. **This** implementing **act** shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1490

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

**Proposal for a regulation
Article 13 – paragraph 7**

Text proposed by the Commission

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member

Amendment

7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor **or child** living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant

States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1491

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 13 – paragraph 7

Text proposed by the Commission

7. With a view to facilitating the appropriate action to identify the family members or relatives of the **unaccompanied** minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment

7. With a view to facilitating the appropriate action to identify the family members or relatives of the minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1492

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

EU Relocation Coordinator

1. With a view to supporting the mandatory relocation established in this Regulation, the Commission shall appoint an EU Relocation Coordinator, who will act as a contact point, in order to coordinate the relocation activities from the benefitting Member State to the contributing Member States implementing their obligations referred to in Article 14, 45, 51.

2. The EU Relocation Coordinator shall:

(a) coordinate and support communication between the Member States involved;

(b) keep an overview of the persons eligible for relocation, and follow up on the ongoing relocations, and on the contributions of the Member States involved;

(c) organise, at regular intervals, meetings between the authorities of the benefitting Member State, and the contributing Member States, to establish the needs, including at an operational level, in order to facilitate the best interaction and cooperation among Member States, in the interest of the persons eligible for relocation and the efficiency of the mandatory relocation mechanism;

(d) promote best practices in the field of relocation.

Or. en

Amendment 1493

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Cost of reception

- 1. The costs of reception of an applicant supported by determining Member State, from the time when the application for international protection was registered until the transfer of the applicant to the Member State responsible, or until the determining Member State assumes responsibility for the applicant, shall be refunded from the general budget of the Union as provided under Article 11, paragraph 1 of Regulation 2021/1147 [Asylum, Migration and Integration Fund].*
- 2. For the purpose of the first paragraph, Member States shall comply with Directive XXX/XXX [Reception Conditions Directive].*

Or. en

Amendment 1494

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 14 – title

Text proposed by the Commission

Amendment

Hierarchy of criteria

Hierarchy of criteria *upon arrival and disembarkation, including following search and rescue operations*

Or. en

Amendment 1495

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.

Amendment

1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter **II**.

Or. en

Amendment 1496

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

2. The Member State responsible *in accordance with the criteria set out in this Chapter* shall be *determined on the basis of the situation obtaining when the application for international protection was first registered with a* Member State.

Amendment

2. The Member State responsible shall be *the* Member State *of first entry*.

Or. en

Amendment 1497

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 14 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an

applicant has irregularly crossed the border into a Member state by land, sea or air having come from a third country or where third-country nationals apply for international protection at external border crossing points or in transit zones and who do not fulfil the entry conditions set out in Article 6 of Regulation (EU) 2016/399, that Member State of first entry shall apply the screening procedure according to Regulation XXX/XXX.

Or. en

Amendment 1498
Laura Ferrara, Sabrina Pignedoli

Proposal for a regulation
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When it is not possible to determine the Member State responsible on the basis of the other criteria set out in this Chapter, the Member State responsible shall be determined on the basis of the automatic solidarity mechanism set out in Chapter I of Part IV.

Or. it

Amendment 1499
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani

Proposal for a regulation
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Articles 20a and 20b will not apply if the applicant arrived irregularly prior in another Member State.

Amendment 1500

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 14 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. That Member State, assisted by the Asylum Agency, shall arrange, upon arrival or after disembarkation, including following search and rescue operations and activities, for an interview with the applicant in order to identify his or her meaningful links with one or more member States including that of arrival. The applicant has the right to be informed and cooperate in line with article 11 of this Regulation.

Amendment 1501

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 14 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Member State with which the applicant has meaningful links shall be responsible for examining the application for international protection. If the person has meaningful links with more than one Member State, the applicant may express a preference. Otherwise, the responsible Member State will be determined with regard to the lowest number of

applications received in relation to the fair share calculated according to Article 54.

Or. en

Amendment 1502

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 14 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. The Member State of entry, in cooperation with the Asylum Agency, shall inform the applicant of the determination and of the arrangements of the transfer to the Member State responsible for the examination, in accordance to Article 32 of this Regulation.

Or. en

Amendment 1503

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 14 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. If no meaningful links with a Member State are established or no criteria listed in this Chapter are applicable, the procedure established in Article 45 of this Regulation shall apply.

Or. en

Amendment 1504

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1505

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 15 – title

Text proposed by the Commission

Amendment

***Unaccompanied* minors**

Minors

Or. en

Amendment 1506

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Where a minor is accompanied by one parent, adult sibling or other adult who holds parental responsibility for the minor, whether by law or by the practice of that Member State, and one parent or other adult who holds parental

responsibility for the minor, whether by law or by the practice of that Member State, is legally present in a Member State, the determination of the Member State responsible shall be based on the objective of prioritising family unity, taking into account the best interest of the child.

Or. en

Amendment 1507

Abir Al-Sahlani, Fabienne Keller, Yana Toom, Hilde Vautmans, Jan-Christoph Oetjen, Moritz Körner, Sophia in 't Veld

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, unless it is demonstrated that it is not in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

Amendment

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, unless it is demonstrated that it is not in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present. ***In a scenario where the applicant is a married minor below the age of 16, the Member State responsible shall still be the Member State where the father, mother or other non-spouse adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present, regardless of whether the adult spouse of the minor is legally present or not within a Member State.***

Or. en

Amendment 1508

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. The Member State responsible shall be that where a family member of the unaccompanied minor is **legally** present, ***unless it is demonstrated that it is not*** in the best interests ***of the minor***. ***Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.***

Amendment

2. The Member State responsible shall be that where a family member of the unaccompanied minor is present, ***if this is*** in the ***minor's*** best interests.

Or. en

Amendment 1509

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, ***unless it is demonstrated that it is not*** in the best ***interests of the minor***. Where the applicant is a ***married*** minor ***whose spouse is not legally present on the territory of the Member States***, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or

Amendment

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, ***if*** it is in the best ***minor's best interest***. Where the applicant is a minor, the Member State responsible shall be the Member State where the father, mother, ***grandparents*** or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

sibling is legally present.

Or. en

Amendment 1510

Hilde Vautmans, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, ***unless it is demonstrated that it is not*** in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

Amendment

2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, ***if this is*** in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

Or. en

Amendment 1511

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Where the applicant is a married minor whose adult spouse is legally present on the territory of the Member States, the Member State responsible shall be the Member State where the adult spouse is legally present, provided that the applicant expresses its desire for such a reunification in writing. Where such

conditions are not met, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present.

For the purpose of this Regulation, on the basis of an individual assessment, a minor shall be considered unmarried if his or her marriage would not be in accordance with the relevant national law had it been contracted in the Member State concerned, in particular having regard to the legal age of marriage.

Or. en

Amendment 1512

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

3. Where the applicant has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, ***unless it is demonstrated*** that it is ***not*** in the best interests of the minor.

Amendment

3. Where the applicant has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, ***provided*** that it is in ***the best interests of the child***. ***Any decision on the Member State responsible should be preceded by a multidisciplinary assessment of*** the best interests of the minor.

Or. en

Amendment 1513

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Where the applicant has a relative who is **legally** present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, unless it is demonstrated that it is not in the best interests of the minor.

Amendment

3. Where the applicant has a relative who is present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, unless it is demonstrated that it is not in the best interests of the minor.

Or. en

Amendment 1514

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor's application for international protection was first registered, unless it is demonstrated that this is not** in the best interests of the **minor**.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **child is present provided that** it is in the best interests of the **child**.

Or. en

Amendment 1515
Nicola Procaccini

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor's application** for international protection **was first registered**, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor is present after having lodged applications** for international protection **in more than one Member State**, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 1516
Damien Carême

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor's application for international protection was first registered**, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor is present**, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 1517
Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor's**

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied **minor is**

application for international protection was first registered, unless it is demonstrated that this is not in the best interests of the minor.

present, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 1518

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied ***minor's application for international protection was first registered***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied ***minor is present***, unless it is demonstrated that this is not in the best interests of the minor.

Or. en

Amendment 1519 Charlie Weimers

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor's application for international protection was first registered, ***unless it is demonstrated that this is not in the best interests of the minor***.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor's ***entry to Member State territory or where their*** application for international protection was first registered.

Amendment 1520

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

**Proposal for a regulation
Article 15 – paragraph 5**

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied ***minor's application for international protection was first registered***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, ***or the application of Article 25***, the Member State responsible shall be that where the unaccompanied ***minor is present***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment 1521

Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Sophia in 't Veld, Moritz Körner

**Proposal for a regulation
Article 15 – paragraph 5**

Text proposed by the Commission

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied ***minor's application for international protection was first registered***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment

5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied ***minor is present***, unless it is demonstrated that this is not in the best interests of the minor.

Amendment 1522

Charlie Weimers

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:* *deleted*

(a) *the identification of family members or relatives of unaccompanied minors;*

(b) *the criteria for establishing the existence of proven family links;*

(c) *the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State.*

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4).

Or. en

Amendment 1523

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:* *deleted*

(a) *the identification of family members or relatives of unaccompanied minors;*

(b) the criteria for establishing the existence of proven family links;

(c) the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State.

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4).

Or. en

Amendment 1524

Nadine Morano

Proposal for a regulation

Article 15 – paragraph 6 – point a

Text proposed by the Commission

(a) the identification of family members or relatives of unaccompanied minors;

Amendment

(a) the identification of family members or relatives of unaccompanied minors, *as well as an assessment of the age of these latter*;

Or. fr

Amendment 1525

Damien Carême

Proposal for a regulation

Article 15 – paragraph 6 – point c

Text proposed by the Commission

(c) the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State.

Amendment

deleted

Amendment 1526

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 15 – paragraph 6 – subparagraph 1

Text proposed by the Commission

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4).

Amendment

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4) ***and shall consult relevant experts including children's rights NGOs.***

Amendment 1527

Damien Carême

Proposal for a regulation

Article 15 – paragraph 6 – subparagraph 1

Text proposed by the Commission

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4).

Amendment

In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 13(4) ***and shall consult experts in the field of the rights of the child.***

Amendment 1528

Caterina Chinnici, Javier Moreno Sánchez

Proposal for a regulation

Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. ***The implementing acts shall promote the ability of the guardian and legal assistance provider to seek assistance in another State so as to gain information about the circumstances of reception and care arrangements in the other country or family reunion possibilities. This may involve contact with guardianship authority, information on access to legal assistance in the event of need to appeal. The implementing acts shall also promote and facilitate cooperation between guardians and legal assistance providers between States in the event a transfer of an unaccompanied child is being contemplated or implemented, including providing for sharing of information about the child, with the informed consent of the child*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1529

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 15 – paragraph 7**

Text proposed by the Commission

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the

Amendment

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. ***The implementing acts shall promote the ability of the guardian and***

examination procedure referred to in Article 67(2).

legal assistance provider to seek assistance in another State so as to gain information about the circumstances of reception and care arrangements in the other country or family reunion possibilities. This may involve contact with guardianship authority, information on access to legal assistance in the event of need to appeal. The implementing acts shall also promote and facilitate cooperation between guardians and legal assistance providers between States in the event a transfer of a minor is being contemplated or implemented, including providing for sharing of information about the minor, with the informed consent of the minor. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1530
Damien Carême

Proposal for a regulation
Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Amendment

7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. *The implementing acts shall promote the ability of the guardian and legal assistance provider to seek assistance in another State so as to gain information about the circumstances of reception and care arrangements in the other country or family reunion possibilities.*

The implementing acts shall also promote and facilitate cooperation between guardians and legal assistance providers

between States in the event a transfer of an unaccompanied child is being contemplated or implemented, including providing for sharing of information about the child, with the informed consent of the child.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).

Or. en

Amendment 1531

Charlie Weimers

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Family members who are beneficiaries of international protection

Where the applicant has a family member who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1532

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Family members who are beneficiaries of international protection

Where the applicant has a family member who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1533

Nicola Procaccini

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

16 Family members who *are beneficiaries of international protection*

16 Family members who *legally reside in a Member State*

Or. en

Amendment 1534

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Family members who *are beneficiaries of international protection*

Family members who *legally reside in a Member state*

Or. en

Amendment 1535

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Family members who ***are beneficiaries of international protection***

Amendment

Family members who ***legally reside in a Member State***

Or. en

Amendment 1536

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Where the applicant has a family member ***who has been allowed to reside as a beneficiary of international protection*** in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Amendment

Where the applicant has a family member, ***regardless of whether the family was previously formed in the country of origin, who is legally residing*** in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1537

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

Where the applicant has a family member *who has been allowed to reside as a beneficiary of international protection* in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Where the applicant has a family member, *regardless of whether the family was previously formed in the country of origin, who is legally residing* in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1538
Nicola Procaccini

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Where the applicant has a family member who *has been allowed to reside as a beneficiary of international protection* in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Amendment

Where the applicant has a family member who *is legally residing* in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1539
Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation
Article 17

Text proposed by the Commission

Article 17

Family members who are applicants for international protection

Amendment

deleted

Where the applicant has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1540
Charlie Weimers

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

Where the applicant has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. **deleted**

Or. en

Amendment 1541

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

Where the applicant has a family member

Where the applicant has a family member

in a Member State whose application for international protection in that Member State has not yet been the subject of a *first* decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

in a Member State whose application for international protection in that Member State has not yet been the subject of a decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Or. en

Amendment 1542

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Family procedure

Where several family members submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined as follows:

(a) responsibility for examining the applications for international protection of all the family members shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;

(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Amendment 1543
Charlie Weimers

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

Where several family members submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined as follows:

deleted

(a) responsibility for examining the applications for international protection of all the family members shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;

(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Or. en

Amendment 1544

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The processing together of the applications of a family is without

prejudice to the right of an applicant to make an application individually.

Or. en

Amendment 1545

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

**Proposal for a regulation
Article 19**

Text proposed by the Commission

Amendment

Article 19

deleted

Issue of residence documents or visas

- 1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.*
- 2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation arrangement as provided for in Article 8 of Regulation (EC) No 810/2009. In such a case, the represented Member State shall be responsible for examining the application for international protection.*
- 3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order:*
 - (a) the Member State which issued the residence document conferring the right*

to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;

(b) where the various visas are of the same type the Member State which issued the visa having the latest expiry date;

(c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than three years before the application was registered, paragraphs 1, 2 and 3 shall apply.

5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was issued.

Or. en

Amendment 1546

Jadwiga Wiśniewska, Joachim Stanisław Brudziński, Patryk Jaki, Beata Kempa
on behalf of the ECR Group

Proposal for a regulation **Article 19 – paragraph 1**

Text proposed by the Commission

Amendment

1. Where the applicant is in

1. Where the applicant is in

possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.

possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection. ***That responsibility shall cease after the applicant leaves the Member State which issued the residence document.***

Or. pl

Amendment 1547

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 19 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the ***responsibility for examining the application for international protection shall be assumed by the Member States in the following order:***

Amendment

3. Where the applicant is in possession of more than one valid ***or expired*** residence document or visa issued by different Member States, the ***applicant shall be able to choose the Member State where she or he want to be transferred;***

Or. en

Amendment 1548

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 19 – paragraph 3 – point a

Text proposed by the Commission

(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the

Amendment

deleted

residence document having the latest expiry date;

Or. en

Amendment 1549

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 19 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) where the various visas are of the same type the Member State which issued the visa having the latest expiry date; *deleted*

Or. en

Amendment 1550

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 19 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date. *deleted*

Or. en

Amendment 1551

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than three years before the application was registered, paragraphs 1, 2 and 3 shall apply.

deleted

Or. en

Amendment 1552

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than **three** years before the application was registered, paragraphs 1, 2 and 3 shall apply.

4. Where the applicant is in possession of one or more residence documents **which expired less than 6 months before the application was registered** or one or more visas which expired less than **two** years before the application was registered, paragraphs 1, 2 and 3 shall apply.

Or. en

Amendment 1553

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than **three** years before the

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than **five** years before the

application was registered, paragraphs 1, 2 and 3 shall apply.

application was registered, paragraphs 1, 2 and 3 shall apply.

Or. en

Amendment 1554

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired *less than three years* before the application was registered, paragraphs 1, 2 and 3 shall apply.

Amendment

4. Where the applicant is in possession of one or more residence documents or one or more visas which expired before the application was registered, paragraphs 1, 2 and 3 shall apply.

Or. en

Amendment 1555

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

5. *The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was*

Amendment

deleted

issued.

Or. en

Amendment 1556

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

**Proposal for a regulation
Article 19 a (new)**

Text proposed by the Commission

Amendment

Article 19a

Previous stays

If the applicant has resided legally for at least two years in a Member state with a valid residence permit, the Member state shall be responsible for examining his or her application for international protection.

Or. en

Amendment 1557

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

**Proposal for a regulation
Article 20**

Text proposed by the Commission

Amendment

Article 20

deleted

Diplomas or other qualifications

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the

territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.

2. Where the applicant is in possession of more than one diploma or qualification issued by education establishments in different Member States, the responsibility for examining the application for international protection shall be assumed by the Member State which issued the diploma or qualification following the longest period of study or, where the periods of study are identical, by the Member State in which the most recent diploma or qualification was obtained.

Or. en

Amendment 1558

Balázs Hidvéghi, Loránt Vincze

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Diplomas or other qualifications

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.

2. Where the applicant is in

possession of more than one diploma or qualification issued by education establishments in different Member States, the responsibility for examining the application for international protection shall be assumed by the Member State which issued the diploma or qualification following the longest period of study or, where the periods of study are identical, by the Member State in which the most recent diploma or qualification was obtained.

Or. en

Amendment 1559

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State ***and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies***, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.

Amendment

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State, the Member State in which that education establishment is established shall be responsible for examining the application for international protection. ***In this context, an education institution means any type of education institution recognised or considered as such in accordance with national law which, in accordance with national law or practice, offers recognised education degrees or other recognised qualifications, regardless of the name of such establishment, or any institution which, in accordance with national law or practice, offers vocational education or training.***

Or. en

Amendment 1560

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Malik Azmani

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.

Amendment

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection. ***Online training or other forms of distance learning shall not be considered to be relevant.***

Or. en

Amendment 1561

Abir Al-Sahlani, Fabienne Keller, Yana Toom, Hilde Vautmans, Jan-Christoph Oetjen, Moritz Körner, Sophia in 't Veld

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.

Amendment

1. Where the applicant is in possession of a diploma or qualification issued by an education establishment ***or a certificate of vocational competency*** established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application

for international protection.

Or. en

Amendment 1562

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Fernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

2. Where the applicant is in possession of more than one diploma or qualification issued by education establishments in different Member States, the ***responsibility*** for examining the application for international protection ***shall be assumed by the Member State which issued the diploma or qualification following the longest period of study or, where the periods of study are identical, by the Member State in which the most recent diploma or qualification was obtained.***

Amendment

2. Where the applicant is in possession of more than one diploma or qualification issued by education establishments in different Member States, the ***applicant shall be able to choose the Member State where she or he want to be transferred and be responsible*** for examining the application for international protection.

Or. en

Amendment 1563

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Visa waived entry

If a third-country national or a stateless person enters into the EU territory through a Member State in which the need for him or her to have a visa is

waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.

Or. en

Amendment 1564

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Sophia in 't Veld, Karen Melchior

**Proposal for a regulation
Article 20 b (new)**

Text proposed by the Commission

Amendment

Article 20b

***Application in an international transit
area of an airport***

Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application.

Or. en

Amendment 1565

Laura Ferrara, Sabrina Pignedoli

**Proposal for a regulation
Article 21**

Text proposed by the Commission

Amendment

Article 21

deleted

Entry

1. Where it is established, on the

basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

2. The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. it

Amendment 1566
Damien Carême

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Entry

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

2. The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. en

Amendment 1567

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Birgit Sippel, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation Article 21

Article 21

deleted

Entry

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

2. The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. en

Amendment 1568

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Entry

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

2. The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. en

Amendment 1569
Annalisa Tardino

Proposal for a regulation
Article 21

Text proposed by the Commission

Amendment

Article 21

deleted

Entry

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

2. The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. en

Amendment 1570
Nicola Procaccini

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.

deleted

Or. en

Amendment 1571
Charlie Weimers

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be

1. Where it is established, on the basis of proof or circumstantial evidence that an applicant has *illegally* crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for *rejecting* the application for international protection *and returning the applicant*.

responsible for *examining* the application for international protection. *That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.*

Or. en

Amendment 1572

Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez, Loucas Fourlas

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than **3 years** after the date on which that border crossing took place.

Amendment

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than **12 months** after the date on which that border crossing took place.

Or. en

Amendment 1573

Jadwiga Wiśniewska, Joachim Stanisław Brudziński, Patryk Jaki, Beata Kempa
on behalf of the ECR Group

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than **3 years** after the date on which that border crossing took place.

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than **one year** after the date on which that border crossing took place.

Or. pl

Amendment 1574

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari, Philippe Olivier

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has **irregularly** crossed the border into a Member State by land, sea or air having come from a third country, the **first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place.**

Amendment

1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has **illegally** crossed the border into a Member State by land, sea or air having come from a third country, the **applicant can be returned to the third country in question or the applicant's country of origin.** Member States are under no obligation to consider an application for asylum where the applicant illegally entered the Member State in question.

Or. en

Amendment 1575
Nicola Procaccini

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

Amendment

2. *The rule set out in paragraph 1 shall also apply where the applicant was disembarked on the territory following a search and rescue operation.* ***deleted***

Or. en

Amendment 1576
Charlie Weimers

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. *Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.* ***deleted***

Or. en

Amendment 1577
Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari,

Philippe Olivier

**Proposal for a regulation
Article 21 – paragraph 3**

Text proposed by the Commission

Amendment

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection. **deleted**

Or. en

Amendment 1578

Balázs Hidvéghi, Loránt Vincze

**Proposal for a regulation
Article 21 – paragraph 3**

Text proposed by the Commission

Amendment

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection. **deleted**

Amendment 1579
Nicola Procaccini

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection. **deleted**

Amendment 1580
Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member

3. Paragraphs 1 and 2 shall not apply **if Article 25 applies or** if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this

State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Regulation to another Member State after having crossed the border. In that case, that other Member State shall be responsible for examining the application for international protection.

Or. en

Amendment 1581

Annalisa Tardino

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Where, despite the legal requirement set out by the Regulation, a third country national disembarks on the European territory following a search and rescue operation carried out by a private organisation, the member State responsible for registering the application should be the one that provided a navigation permit to the disembarking vessel.

Or. en

Amendment 1582

Pietro Bartolo, Sylvie Guillaume, Juan Fernando López Aguilar, Bettina Vollath, Javier Moreno Sánchez, Domènec Ruiz Devesa, Giuliano Pisapia, Elena Yoncheva, Thijs Reuten, Franco Roberti, Cyrus Engerer, Caterina Chinnici

Proposal for a regulation

Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Visa waived entry

If a third-country national or a stateless person enters into the territory of the

Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.

Or. en

Amendment 1583

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Visa waived entry

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.

Or. en

Justification

Moved to Article 20a.

Amendment 1584

Nicolaus Fest, Jaak Madison, Bernhard Zimniok, Gunnar Beck, Tom Vandendriessche, Peter Kofod, Roman Haider, Georg Mayer, Harald Vilimsky, Laura Huhtasaari,

Philippe Olivier

Proposal for a regulation
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Visa waived entry

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.

Or. en

Amendment 1585

Cornelia Ernst, Konstantinos Arvanitis, Sira Rego, Pernando Barrena Arza, Malin Björk, Miguel Urbán Crespo, Anne-Sophie Pelletier

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

Amendment

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **three years** after the date on which the person entered the territory.

If a third-country national or a stateless person ***pursuant to Article 1(1) of the 1954 Convention Relating to the Status of Stateless Persons***, enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **one year** after the date on which the person entered the territory.

Amendment 1586
Damien Carême

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **three years** after the date on which the person entered the territory.

Amendment

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **one year** after the date on which the person entered the territory.

Amendment 1587
Annalisa Tardino

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **three years** after the date on which the person entered the territory.

Amendment

If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than **one year** after the date on which the person entered the territory.

Amendment 1588

Fabienne Keller, Hilde Vautmans, Olivier Chastel, Jan-Christoph Oetjen, Malik Azmani, Sophia in 't Veld, Karen Melchior

Proposal for a regulation

Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

***Application in an international transit
area of an airport***

***Where the application for international
protection is made in the international
transit area of an airport of a Member
State by a third-country national or a
stateless person, that Member State shall
be responsible for examining the
application.***

Or. en

Justification

Moved to Article 20b.