DRAFT REPORT


Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tomas Tobé
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ▐ symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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<td>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</td>
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(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2020)0610),
– having regard to Article 294(2) and Article 78(2)(e) and Article 79(2)(a)(b) and (c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0309/2020),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Italian Senate, the Hungarian Parliament and the Slovak Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
– having regard to the opinion of the European Economic and Social Committee of 25 February 2021, 1
– having regard to the opinion of the Committee of the Regions of 19 March 2021, 2
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0000/2021),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to the Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

1 OJ C 155, 30.4.2021, p. 58.
2 OJ C 175, 7.5.2021, p. 32.
Recital 3

Text proposed by the Commission

(3) This Regulation should contribute to that comprehensive approach by setting out a common framework for the actions of the Union and of the Member States in the field of asylum and migration management policies, by elaborating on the principle of solidarity and fair sharing of responsibility in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU). Member States should therefore take all necessary measures, inter alia, to provide access to international protection and adequate reception conditions to those in need, to enable the effective application of the rules on determining the Member State responsible for examining an application for international protection, to return illegally staying third-country nationals, to prevent irregular migration and unauthorised movements between them, and to provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach.

Amendment

(3) This Regulation should contribute to that comprehensive approach by setting out a common framework for the actions of the Union and of the Member States in the field of asylum and migration management policies, by *upholding and* elaborating on the principle of solidarity and fair sharing of responsibility in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU). Member States should therefore take all necessary measures, inter alia, to provide access to international protection and adequate reception conditions to those in need, to enable the effective application of the rules on determining the Member State responsible for examining an application for international protection, to return illegally staying third-country nationals, to prevent irregular migration and unauthorised movements between them, and to provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The common framework should bring together the management of the Common European Asylum System and that of migration policy. The objective of migration policy should be to ensure the efficient management of migration flows, the fair treatment of third-country nationals residing legally in Member States and the

Amendment

(4) The common framework should bring together the management of the Common European Asylum System and that of migration policy. The objective of migration policy should be to ensure the efficient management of migration flows, the fair treatment of third-country nationals **applying for international protection or**
prevention of, and enhanced measures to combat, illegal migration and migrant smuggling. residing legally in Member States, the efficient return of those third-country nationals who do not fulfil the conditions for residence in the territory of the Member States, and the prevention of, and enhanced measures to combat, illegal migration and migrant smuggling in accordance with Article 79(1), (2) and (3) TFEU.

Amendment 3
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Taking a strategic approach, the Commission should adopt a European Asylum and Migration Management Strategy on the implementation of asylum and migration management policies. The Strategy should be based on relevant reports and analyses produced by Union agencies and on the national strategies of the Member States.

Amendment

(8) The Commission should adopt a long-term European Asylum and Migration Management Strategy (the 'Strategy') on the implementation of asylum and migration management policies. The Strategy should be based on relevant reports and analyses produced by Union agencies and on the national strategies of the Member States.

Amendment 4
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Bearing in mind the importance of ensuring that the Union is prepared and able to adjust to the developing and evolving realities of asylum and migration management, the Commission should annually adopt a Migration Management Report setting out the likely evolution of

Amendment

(11) Considering the importance of ensuring that the Union is prepared and able to adjust to the developing and evolving realities of asylum and migration management, the Commission should adopt an annual situational report, including an evaluation of its Strategy.
the migratory situation and the preparedness of the Union and the Member States to respond and adapt to it. The Report should also include the results of the reporting on monitoring foreseen in the national strategies and should propose improvements where weaknesses are apparent.

The annual situational report should also set out, inter alia, the likely evolution of the migratory situation and the preparedness of the Union and the Member States to respond and adapt to it. The annual situational report should also include the results of the reporting on monitoring foreseen in the national strategies and should propose improvements where weaknesses are apparent.

Amendment 5

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In order to ensure that the necessary tools are in place to assist Member States in dealing with challenges that may arise due to the presence on their territory of third-country nationals that are vulnerable applicants for international protection, regardless of how they crossed the external borders, the Report should also indicate whether the said Member States are faced with such challenges. Those Member States should also be able to rely on the use of the ‘solidarity pool’ for the relocation of vulnerable persons.

Amendment

(12) In order to ensure that the necessary tools are in place to assist Member States in dealing with challenges that may arise due to the presence on their territory of third-country nationals that are vulnerable applicants for international protection, regardless of how they crossed the external borders, the annual situational report should also indicate whether the Member States are faced with such challenges.

Amendment 6

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

(13a) In light of the recent rapidly
changing migratory situations, which have led to complex migratory challenges and considerable migratory pressure on individual Member States along the external border of the Union, there is a need to introduce a new mechanism when a Member State is at risk of migratory pressure. Such mechanism should include a rapid and comprehensive response by the Commission and the Union's bodies, offices and agencies to provide the Member State concerned with operational, legal, diplomatic and financial support in order to reduce the risk of migratory pressure.

Or. en

Amendment 7
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) To strengthen cooperation with third countries in the area of return and readmission of illegally staying third-country nationals, it is necessary to develop a new mechanism, including all relevant EU policies and tools, to improve the coordination of the different actions in various policy areas other than migration that the Union and the Member States may take for that purpose. That mechanism should build on the analysis carried out in accordance with Regulation (EU) 810/2019 of the European Parliament and of the Council38 or of any other information available, and take into account the Union’s overall relations with the third country. That mechanism should also serve to support the implementation of return sponsorship.

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Amendment

(15) To strengthen cooperation with third countries in the areas of border and migration management, including the return of illegally staying third-country nationals, it is necessary to develop a new mechanism. That mechanism should include all relevant EU policies and tools to improve the coordination of the different actions in various policy areas other than migration that the Union and the Member States may take for that purpose. That mechanism should build on the analysis carried out in accordance with Regulation (EU) 810/2019 of the European Parliament and of the Council38 or of any other information available, and take into account the Union’s overall relations with the third country. That mechanism should also serve to support the implementation of return sponsorship.

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Amendment 8
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

(15a) In order to implement the mechanism, the Union should fully apply the Neighbourhood, Development and International Cooperation Instrument – Global Europe, established by Regulation (EU) 2021/947 of the European Parliament and of the Council, with at least 10% of the total budget of that instrument dedicated specifically to actions supporting the management and governance of migration and forced displacement.


Amendment 9
Proposal for a regulation
Recital 15 b (new)

Text proposed by the Commission  

Amendment

(15b) The mechanism should take into account the resolution of the European Parliament of 25 November 2020 on improving development effectiveness and the efficiency of aid.\(^{38b}\)

\(^{38b}\) Not yet published in the Official Journal.

Amendment 10

Proposal for a regulation
Recital 17

Text proposed by the Commission  

Amendment

(17) Given the need to ensure the smooth functioning of the solidarity mechanism established in this Regulation, a Solidarity Forum comprising the representatives of all Member States should be established and convened by the Commission.

Amendment 11

Proposal for a regulation
Recital 18

Text proposed by the Commission  

Amendment

(18) Given the specific characteristics of disembarkations arising in the context of search and rescue operations conducted by Member States or private organisations whether under instruction from Member
States or autonomously in the context of migration, this Regulation should provide for a specific process applicable to people disembarked following those operations irrespective of whether there is a situation of migratory pressure.

vulnerability of persons arriving from disembarkations.

Amendment 12
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Given the recurring nature of disembarkations from search and rescue operations on the different migratory routes, the annual Migration Management Report should set out the short-term projections of disembarkations anticipated for such operations and the solidarity response that would be required to contribute to the needs of the Member States of disembarkation. The Commission should adopt an implementing act establishing a pool of solidarity measures (‘the solidarity pool’) with the aim of assisting the Member State of disembarkation to address the challenges of such disembarkations. Such measures should comprise applicants for international protection that are not in the border procedure or measures in the field of strengthening of capacity in the field of asylum, reception and return, or operational support, or measures in the external dimension.

Amendment 13
Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In order to provide a timely response to the specific situation following disembarkations from search and rescue operations, the Commission, with the assistance of Union Agencies, should facilitate the swift relocation of eligible applicants for international protection who are not in the border procedure. Under the coordination of the Commission, the European Union Asylum Agency and the European Border and Coast Guard Agency should draw up the list of eligible persons to be relocated indicating the distribution of those persons among the contributing Member States.

Amendment 14

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Persons disembarked should be distributed in a proportionate manner among the Member States.

Amendment 15

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The overall contribution of each Member State to the solidarity pool should
be determined through indications by Member States of the measures by which they wish to contribute. Where Member States contributions are insufficient to provide for a sustainable solidarity response the Commission should be empowered to adopt an implementing act setting out the total number of third-country nationals to be covered by relocation and the share of this number for each Member State calculated according to a distribution key based on the population and the GDP of each Member State. Where the indications from Member States to take measures in the field of capacity or the external dimension would lead to a shortfall of greater than 30% of the total number of relocations identified in the Migration Management Report, the Commission should be able to adjust the contributions of these Member States which should then contribute half of their share identified according to the distribution key either by way or relocation, or when so indicated, through return sponsorship.

Or. en

Amendment 16

Proposal for a regulation
Recital 23

Text proposed by the Commission Amendment

(23) In order to ensure that support measures are available at all times to address the specific situation of disembarkations from search and rescue operations, where the number of disembarkations following search and rescue operation have reached 80% of the solidarity pools for one or more of the benefitting Member States, the Commission should adopt amended implementing acts increasing the total
number of contributions by 50%.

Amendment 17
Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The solidarity mechanism should also address situations of migratory pressure in particular for those Member States which due to their geographical location are exposed to or likely to be exposed to migratory pressure. For this purpose, the Commission should adopt a report identifying whether a Member State is under migratory pressure and setting out the measures that could support that Member State in addressing the situation of migratory pressure.

Amendment

(24) The solidarity mechanism should address situations of migratory pressure for those Member States exposed or likely to be exposed to migratory pressure. For this purpose, the Commission should adopt a report identifying whether a Member State is under migratory pressure and setting out the measures that could support that Member State in addressing the situation of migratory pressure. Prior to adopting the report, the Commission should also consult the contributing Member States to prioritise voluntary measures.

Amendment 18
Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The solidarity mechanism should include measures to promote a fair sharing of responsibility and a balance of effort between Member States also in the area of return. Through return sponsorship, a Member State should commit to support a Member State under migratory pressure in carrying out the necessary activities to return illegally staying third-country nationals, bearing in mind that the

Amendment

(27) The solidarity mechanism should include measures to promote a fair sharing of responsibility and a balance of effort between Member States also in the area of return. Through return sponsorship, a Member State should commit to support a Member State under migratory pressure in carrying out the necessary activities to return illegally staying third-country nationals, bearing in mind that the
benefitting Member State remains responsible for carrying out the return while the individuals are present on its territory. Where such activities have been unsuccessful after a period of 8 months, the sponsoring Member States should transfer these persons in line with the procedures set out in this Regulation and apply Directive 2008/115/EC; if relevant, Member States may recognise the return decision issued by the benefitting Member State in application of Council Directive 2001/40. Return sponsorship should form part of the common EU system of returns, including operational support provided through the European Border and Coast Guard Agency and the application of the coordination mechanism to promote effective cooperation with third countries in the area of return and readmission.


Or. en
Recital 29

Text proposed by the Commission

(29) Where the Migration Management Report identifies needs in a Member State under migratory pressure in the field of capacity measures in asylum, reception and return or in the external dimension, contributing Member States should be able to make contributions to these needs instead of relocation or return sponsorship. In order to ensure that such contributions are in proportion to the share of the contributing Member State the Commission should be able to increase or decrease of such contributions in the implementing act. Where the indications from Member States to take measures in the field of capacity or the external dimension would lead to a shortfall greater than 30% of the required number of persons to be relocated or subject to return sponsorship, the Commission should be able to adjust the contributions of these Member States in order to ensure that they contribute half of their share to relocation or return sponsorship.

Amendment

(29) Where the Commission identifies needs in a Member State under migratory pressure in the field of capacity measures in asylum, reception and return or in the external dimension, contributing Member States should be able to make impactful contributions to these needs instead of relocation, return sponsorship or applying a discretionary clause.

Amendment 20

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) In order to ensure a comprehensive and effective solidarity response and in order to give clarity to Member States receiving support, the Commission should adopt an implementing act specifying the contributions to be made by each Member State. Such contributions should always be based on the type of contributions indicated by the Member State concerned.

Amendment

(30) In order to ensure a comprehensive and effective solidarity response when the voluntary contributions indicated by the contributing Member States do not meet the needs of a Member State under migratory pressure, the Commission should adopt an implementing act specifying the contributions to be made by each Member State to meet the remaining
in the solidarity response plan, except where that Member State failed to submit one. In such cases, the measures set out in the implementing act for the Member State concerned should be determined by the Commission.

needs. Such contributions should always be based on the type of contributions indicated by the Member State concerned in the solidarity response plan, except where that Member State failed to submit one. In such cases, the measures set out in the implementing act for the Member State concerned should be determined by the Commission.

Or. en

Amendment 21
Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) The processing together of the applications for international protection of the members of one family by a single Member State should make it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated.

Amendment

(46) The processing together of the applications for international protection of the members of one family by a single Member State should make it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated, which could in turn reduce unauthorised movements.

Or. en

Amendment 22
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements. The

Amendment

(47) The definition of a family member in this Regulation should include the sibling or siblings of the applicant, provided that the applicant is a minor. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence
the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some unauthorised movements of asylum seekers within the EU.

reducing unauthorised movements. The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State, provided that there is a well-proven family link. This limited and targeted enlargement of the scope of the definition is expected to reduce the incentive for some unauthorised movements of asylum seekers within the EU.

Justification

Regarding 'well-proven family link'. similar criteria in the Family Reunification Directive, Article 3.3: 'duly attested stable long-term relationship'

Amendment 23

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant’s pregnancy or maternity, state of health or old age, should be a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage unauthorised movements of unaccompanied minors, which are not in

Amendment

(48) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant’s pregnancy or maternity, state of health or old age, should be a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage unauthorised movements of unaccompanied minors, which are not in
their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor’s application for international protection was first registered, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his or her best interests by staff with the necessary qualifications and expertise.

Amendment 24
Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) Where persons are in possession of a diploma or other qualification, the Member State where the diploma was issued should be responsible for examining their application. This would ensure a swift examination of the application in the Member State with which the applicant has meaningful links based on such a diploma.

Amendment

deleted
Amendment 25
Proposal for a regulation
Recital 51

Text proposed by the Commission

(51) Considering that a Member State should remain responsible for a person who has irregularly entered its territory, it is also necessary to include the situation when the person enters the territory following a search and rescue operation. A derogation from this responsibility criterion should be laid down for the situation where a Member State has relocated persons having crossed the external border of another Member State irregularly or following a search and rescue operation. In such a situation, the Member State of relocation should be responsible if the person applies for international protection.

Amendment 26
Proposal for a regulation
Recital 53 a (new)

Text proposed by the Commission

(53a) It should be possible for the Member States to impose additional obligations on applicants in accordance with national law in order to prevent unauthorised movements within the Union. Such additional obligations could include alternative restrictions of freedom of movement, such as a requirement for the applicant to remain within a certain geographical area, or be designated to a specific reception centre, instead of placing the applicant in detention.
Amendment 27
Proposal for a regulation
Recital 69

Text proposed by the Commission

(69) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the European Court of Human Rights.

Amendment

(69) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the Court of Justice of the European Union and the European Court of Human Rights.

Amendment 28
Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty and who is not a person enjoying the right to free movement under Union law as defined in Article 2, point (5) of Regulation (EU) 2016/399 of the European Parliament and of the Council; 53

Amendment

(a) ‘third-country national’ means any person, including a stateless person, who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the right of free movement under Union law as defined in Article 2, point (5) of Regulation (EU) 2016/399 of the European Parliament and of the Council; 53

Amendment 29

Proposal for a regulation
Article 2 – paragraph 1 – point b

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<tr>
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<th>Amendment</th>
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<tr>
<td>(b) ‘application for international protection’ or ‘application’ means a request for protection made to a Member State by a third-country national or a stateless person, who can be understood as seeking refugee status or subsidiary protection status;</td>
<td>(b) ‘application for international protection’ or ‘application’ means a request for protection made to a Member State by a third-country national, who can be understood as seeking refugee status or subsidiary protection status;</td>
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(This amendment applies throughout the text.)

Amendment 30

Proposal for a regulation
Article 2 – paragraph 1 – point c

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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>(c) ‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a decision has not been taken, or has been taken and is either subject to or can still be subject to a remedy in the Member State concerned, irrespective of whether the applicant has a right to remain or is allowed to remain in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation], including a person who has been granted immediate protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration];</td>
<td>(c) ‘applicant’ means a third-country national who has made an application for international protection in respect of which a decision has not been taken in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation], or a person who has been granted immediate protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration];</td>
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Justification

This aligns the definition of an 'applicant' with the Asylum Procedure Directive Art 2 (c).

Amendment 31

Proposal for a regulation
Article 2 – paragraph 1 – point g – introductory part

<table>
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<th>Text proposed by the Commission</th>
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<td>(g) ‘family members’ means, insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of the Member States:</td>
<td>(g) ‘family members’ means, insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of the Member States and with whom there is a well-proven family link:</td>
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Amendment 32

Proposal for a regulation
Article 2 – paragraph 1 – point g – point v

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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>(v) the sibling or siblings of the applicant;</td>
<td>(v) the sibling or siblings of the applicant, provided that the applicant is a minor;</td>
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Amendment 33

Proposal for a regulation
Article 2 – paragraph 1 – point n

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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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(n) ‘diploma or qualification’ means a diploma or qualification which is obtained after at least a three months’ period of study in a recognised, state or regional programme of education or vocational training at least equivalent to level 2 of the International Standard Classification of Education, operated by an education establishment in accordance with national law or administrative practice of the Member States;

Or. en

Justification

A third country national wishing to stay on the territories more than three months require a long-term visa or residence permit, which already is grounds for responsibility. As such, introduction of 'diploma and qualification' is redundant.

Amendment 34

Proposal for a regulation
Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) ‘education establishment’ means any type of public or private education or vocational training establishment established in a Member State and recognised by that Member State or considered as such in accordance with national law or whose courses of study or training are recognised in accordance with national law or administrative practice;

Or. en

Justification

See justification above.

Amendment 35
Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission
(p) ‘absconding’ means the action by which an applicant does not remain available to the competent administrative or judicial authorities, such as by leaving the territory of the Member State without authorisation from the competent authorities for reasons which are not beyond the applicant’s control;

Amendment
(p) ‘absconding’ means the action by which an applicant does not remain available to the competent administrative or judicial authorities;

Amendment 36

Proposal for a regulation
Article 2 – paragraph 1 – point r

Text proposed by the Commission
(r) ‘benefitting Member State’ means the Member State benefiting from the solidarity measures in situations of migratory pressure or for disembarkations following search and rescue operations as set out in Chapters I-III of Part IV of this Regulation;

Amendment
(r) ‘benefitting Member State’ means the Member State benefiting from the solidarity contributions, as set out in Article 45, in situations of migratory pressure;

Amendment 37

Proposal for a regulation
Article 2 – paragraph 1 – point s

Text proposed by the Commission
(s) ‘contributing Member State’ means a Member State that contributes or is obliged to contribute to the solidarity measures to a benefitting Member State set out in Chapters I-III of Part IV of this Regulation;

Amendment
(s) ‘contributing Member State’ means a Member State that provides or is obliged to provide the solidarity contributions, as set out in Article 45, to a benefitting Member State;
Amendment 38
Proposal for a regulation
Article 2 – paragraph 1 – point t

Text proposed by the Commission

(t) ‘sponsoring Member State’ means a Member State that commits to return illegally staying third-country nationals to the benefit of another Member State, providing the return sponsorship referred to in Article 55 of this Regulation;

Justification

Return sponsorship is provided as one of the solidarity contributions, as such a Member State undertaking return sponsorship is a contributing Member State. This term is deleted to streamline the usage of terms and improve coherence in the text.

Amendment 39
Proposal for a regulation
Article 2 – paragraph 1 – point w

Text proposed by the Commission

(w) ‘migratory pressure’ means a situation whereby the arrival of third-country nationals, including as a result of search and rescue operations, places a burden even on well-prepared asylum and migration systems, which causes the Member State concerned to not be able to fulfil its legal obligations, in particular those laid down in this Regulation, Regulation (EU) xxx/xxx [Screening Regulation], Regulation (EU) xxx/xxx [Asylum Procedure Directive], and the
requires immediate action; Directive xxx/xxx [Return Directive];

Amendment 40
Proposal for a regulation
Article 2 – paragraph 1 – point w a (new)

Text proposed by the Commission Amendment

(wa) 'risk of migratory pressure' means the risk of a disproportionate burden even on well-prepared asylum and migration system in a Member State, following the anticipation of imminent arrivals of third-country nationals, which risk placing the Member State under migratory pressure;

Justification
A definition for 'risk of migratory pressure' is introduced as the procedures will vary depending on whether there is a 'risk of migratory pressure' or 'migratory pressure', see Article 6 a and b.

Amendment 41
Proposal for a regulation
Article 2 – paragraph 1 – point w b (new)

Text proposed by the Commission Amendment

(wb) 'reception conditions' means the reception conditions, as defined in Article 2, point (6), of Directive (EU) xxx/xxx [Reception Conditions Directive];

Amendment 42
Proposal for a regulation

Article 4

Text proposed by the Commission

Amendment

Article 4 deleted

Principle of integrated policy-making

1. The Union and Member States shall ensure coherence of asylum and migration management policies, including both the internal and external components of those policies.

2. The Union and Member States acting within their respective competencies shall be responsible for the implementation of the asylum and migration management policies.

3. Member States, with the support of Union Agencies, shall ensure that they have the capacity to effectively implement asylum and migration management policies, taking into account the comprehensive approach referred to in Article 3, including the necessary human and financial resources and infrastructure.

Or. en

Justification

The content of this article is moved to article 6.

Amendment 43

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

A long-term European Asylum and Migration Management Strategy

The Commission shall adopt a long-term European Asylum and Migration
Management Strategy (the 'Strategy') on the implementation of asylum and migration management policies and setting out the approach to managing asylum and migration at Union level. The Commission shall transmit the Strategy to the European Parliament and the Council.

The first Strategy shall be adopted by … [18 months after the entry into force of this regulation] and every five years thereafter.

The Strategy shall include the components listed in Article 3, and also take into account:

(a) the long-term national asylum and migration management strategies of the Member States, referred to in Article 5;
(b) information gathered by the Commission under the Commission Recommendation No XXX on an EU Migration Preparedness and Crisis Management Mechanism (the 'Migration Preparedness and Crisis Blueprint'), the reports issued under that framework as well as the activities of the Migration Preparedness and Crisis Management Network;
(c) information gathered from the European External Action Service and relevant Union bodies, offices and agencies, in particular reports by the Asylum Agency, European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights;
(d) any other relevant information.

Amendment 44
Proposal for a regulation
Article 4 b (new)
Text proposed by the Commission

Amendment

Article 4b

Annual situational reports

1. The Commission shall monitor and provide information on the migratory situation through annual situational reports based on qualitative and quantitative data and information provided by the Member States, the European External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, the European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Fundamental Rights. The annual reports shall set out the anticipated evolution of the migratory situation and the preparedness of the Union and the Member States. The Commission shall transmit the annual situational reports to the European Parliament and the Council.

The annual situational reports shall also include:

(a) the number of applications for international protection and the nationalities of the applicants, including the number of applications lodged by unaccompanied minors and other vulnerable persons;

(b) the number of return decisions and the number of third-country nationals who left the territory of the Member States in accordance with a return decision;

(c) the number of third-country nationals admitted by the Member States through resettlement or humanitarian admission schemes;

(d) the number of incoming and outgoing take charge requests and take back notifications, and the number of transfers carried out in accordance with this Regulation;

(e) the number of third-country
nationals subject to the border procedure provided for in Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and their nationalities;

(f) the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border and the number of persons refused entry in accordance with Article 14 of Regulation (EU) 2016/399;

(g) the number of illegally staying third-country nationals detected by the Member State authorities;

(h) operational plans by the Asylum Agency and the European Border and Coast Guard Agency;

(i) an evaluation of the implementation of the Strategy;

(j) any other relevant information.

2. In addition to the annual situational report, the Commission shall, where necessary or upon request, provide information to the Council and the Parliament on the migratory situation.

Amendment 45

Proposal for a regulation

Article 5 – title

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Amendment 46

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When implementing their obligations under paragraph 1, Member States shall cooperate closely.

Or. en

Amendment 47

Proposal for a regulation

Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall have national strategies in place to ensure sufficient capacity for the implementation of an effective asylum and migration management system in accordance with the principles set out in this Part. Those strategies shall include:

(a) contingency planning, taking into account the contingency planning pursuant to Regulation (EU) XXX/XXX [European Union Asylum Agency], Regulation (EU) 2019/1896 of the European Parliament and of the Council54b and Directive (EU) XXX/XXX [Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint;

(b) information on how the Member State implements the principles set out in this Part and legal obligations stemming therefrom at national level;

(c) the results of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency, of the evaluation carried out in accordance with Council Regulation (EU) No 1053/201354c as well as of the monitoring carried out in accordance with
Article 7 of Regulation (EU) XXX/XXX [Screening Regulation].

The national strategies shall take into account other relevant strategies and existing support measures, in particular those support measures under Regulation (EU) 2021/1147 of the European Parliament and of the Council\(^{54d}\) and Regulation (EU) XXX/XXX [European Union Asylum Agency], and be coherent with and complementary to the national strategies for European integrated border management established in accordance with Article 8(6) of Regulation (EU) 2019/1896.

Member States shall transmit their national asylum and migration management strategies to the Commission six months before the adoption of the Strategy.


\(^{54c}\) Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

Justification

Content of this amendment gathered from Article 6.4 in the COM proposal. It is moved to Article 5 to create a comprehensive Article setting out the national obligations.

Amendment 48
Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

The content of this article is moved to articles 4 and 5.

Amendment 49
Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Governance and monitoring of the asylum and migration management

1. The Commission, the Council and the Member States shall ensure the consistent implementation of asylum and migration management policies, including both the internal and external components of those policies, in accordance with the principles set out in this Part.

2. The Commission, the Council and the Member States, acting within their respective competences, shall be responsible for the implementation of the asylum and migration management policies.
Amendment 50
Proposal for a regulation
Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Procedure in the event of risk of migratory pressure

1. A Member State which considers itself at risk of migratory pressure shall immediately notify the Commission thereof.

   Within two weeks of the notifications, the Commission shall coordinate and facilitate necessary measures with the Member State concerned and relevant Union bodies, offices and agencies to reduce the risk of migratory pressure.

2. Within four weeks of the notification, the Commission shall adopt a prevention response plan on measures to be taken at Union level to reduce the risk of migratory pressure in the Member State concerned.

   The prevention response plan shall include recommendations to the Council and the Member State concerned on measures to reduce the risk of migratory pressure. The Commission shall transmit the prevention response plan to the European Parliament.

3. The Member State concerned shall adopt its own national prevention response plan, outlining measures to be taken at national level and submit it to the Commission within the four-week period referred to in paragraph 2.
Amendment 51

Proposal for a regulation
Article 6c (new)

Text proposed by the Commission

Article 6c
Procedure in the event of migratory pressure

1. A Member State, which considers itself to be under migratory pressure, shall immediately notify the European Parliament, the Council and the Commission thereof.

Within one week of the notification, the Commission shall initiate an assessment of the migratory situation.

Within two weeks of the notification, the Commission shall coordinate and facilitate necessary measures, in cooperation with the Member States and relevant Union bodies, offices and agencies to reduce the migratory pressure.

The Commission shall also hold consultations with the Member States on the solidarity contributions pursuant to Article 52(2).

2. The Commission shall also adopt a Solidarity Response Plan, outlining measures taken at Union level, in accordance with Article 52.

The Member State concerned shall adopt its own national solidarity response plan, outlining measures to be taken at national level and submit it to the Commission within one month of the notification referred to in paragraph 1 of this Article.

Or. en

Amendment 52
Proposal for a regulation
Article 7 – title

Text proposed by the Commission

Cooperation with third countries to facilitate return and readmission

Amendment

Cooperation with third countries on migration management

Or. en

Amendment 53

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Where the Commission, on the basis of the analysis carried out in accordance with Article 25a(2) or (4) of Regulation (EU) No 810/2009 of the European Parliament and of the Council and of any other information available, considers that a third country is not cooperating sufficiently on the readmission of illegally staying third-country nationals, and without prejudice to Article 25(a)(5) of that Regulation, it shall submit a report to the Council including, where appropriate, the identification of any measures which could be taken to improve the cooperation of that third country as regards readmission, taking into account the Union’s overall relations with the third country.

Or. en

1. The Commission and the Member States shall promote mutually-beneficial partnerships and close cooperation with relevant third countries on migration management. The Commission and Member States shall assess the integration of migration management in all relevant Union policies and the full application of the visa policy and other measures designed to promote cooperation with third countries to facilitate the return of illegally staying third-country nationals.

Or. en

Amendment 54
Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Where the Commission considers it appropriate, it shall also identify in its report measures designed to promote cooperation among the Member States to facilitate the return of illegal staying third-country nationals.

Amendment

2. The Commission, the Council, and the Member States shall, within their respective competences, take actions which promote joint objectives and cooperation with third countries to address causes and drivers of irregular migration and forced displacement, applying fully the Neighbourhood, Development and International Cooperation Instrument - Global Europe.

Or. en

Amendment 55
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

2a. In the application of this Article, the Commission shall, in particular, consider reports by the Asylum Agency, European Border and Coast Guard Agency, Europol and the European External Action Service.

Amendment

Or. en

Amendment 56
Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. On the basis of the report referred to in paragraph 1, the Commission and

Amendment

deleted
the Council, within their respective competencies, shall consider the appropriate actions taking into account the Union’s overall relations with the third country.

Or. en

Amendment 57
Proposal for a regulation
Article 8 – paragraph 1

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. The application for international protection shall be registered in the Member State of first entry in accordance with Article 7 of Regulation (EU) xxx/xxx [Asylum Procedure Regulation], or where the applicant is legally present.

Or. en

Amendment 58
Proposal for a regulation
Article 8 – paragraph 2

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 Member State of first entry or the Member State where the applicant is legally present shall be responsible for the examination of an application for international protection, unless another Member State can be designated as responsible for the examination of that application on the basis of the criteria in Part III, Chapter II of this Regulation.
Amendment 59
Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

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*

Where it is impossible for a Member State to transfer an applicant to the Member State 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 establish whether another Member State can be designated as responsible.

Amendment 60
Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 2

*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 *establish whether another* Member State can be designated as responsible for the examination of an application for international protection on the basis of the criteria set out in *Part III, Chapter II of this Regulation*, that Member State shall become the Member State responsible for the examination of that application.
Amendment 61
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 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
If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the Member State shall examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State immediately 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 62
Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

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

Amendment
If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the Member State 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 immediately after the registration of the application, before
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 63
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 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.*

Amendment 64
Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 2

*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*

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 last three years*, the application shall be made and registered in the Member State that issued the residence permit or visa.
Amendment 65

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 at the latest before the competent authority has taken a decision on the responsible Member State in accordance with this Regulation.

Amendment 66

Proposal for a regulation
Article 9 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

The competent authorities, may in accordance with national law, impose additional obligations on the applicant in order to prevent unauthorised movements.

Amendment

The competent authorities, may in accordance with national law, impose additional obligations on the applicant in order to prevent unauthorised movements.

Amendment 67

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.

Amendment 68

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, 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:

Amendment 69

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

Amendment

(b) of the objectives of this Regulation deleted
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

**Justification**

This is included in the introductory part (obligations set out in Article 9, and consequences of non-compliance in Article 10).

**Amendment 70**

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 obligation for the applicant to disclose, as soon as possible in the procedure any relevant information to determine the Member State responsible;

Or. en

**Amendment 71**

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

**Amendment**

deleted
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;

Justification

Deleted, and content moved to the introductory part.

Amendment 72
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

deleted

Justification

Content moved to (c).

Amendment 73
Proposal for a regulation
Article 11 – paragraph 1 – point i

Text proposed by the Commission

(i) of the categories of personal data concerned;

Amendment

(i) of the categories of personal data concerned, including the categories of data processed in the application of
Amendment 74

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 a DNA-test to prove a family-link;

Or. en

Amendment 75

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.

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 76
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 authorities, produce common information and material, in clear and plain language, as well as specific information for unaccompanied minors and other vulnerable groups, containing the information referred to in paragraph 1.

Member States shall use the common information and material referred to in the first subparagraph and may complement it with additional Member State-specific information.

Where necessary for the applicant’s proper understanding, the information shall also be supplied orally.

Or. en

Amendment 77

Proposal for a regulation
Article 12 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

The Member States may also use audio recordings subject to the agreement of the applicant or the applicant’s legal advisor or counsellor.

Amendment

Or. en
Amendment 78
Proposal for a regulation
Article 13 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) any other reasons relevant to the assessment of the best interests of the child.

Or. en

Amendment 79
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.

Amendment 80
Proposal for a regulation
Article 21

Text proposed by the Commission

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.

Amendment 81
Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

1. The Member State \textit{where an application for international protection is first registered pursuant to Regulation (EU) XXXXXX [Asylum Procedure Regulation]} or, where applicable, the Member State of relocation shall start the process of determining the Member State responsible without delay.

Amendment

1. The Member State \textit{which has justified reasons to believe that another Member State is responsible for the examination of an application for international protection shall immediately start the process of submitting a take charge request or a take back notification pursuant to Articles 29 and 31.}

Or. en

Amendment 82
Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. The Member State \textit{where an application is first registered or, where applicable, the Member State of relocation} shall continue the process of determining the Member State responsible if the applicant leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State.

Amendment

2. The \textit{requesting or notifying} Member State shall continue the process of determining the Member State responsible if the applicant leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State.

Or. en
Amendment 83
Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 1

Text proposed by the Commission

If a Member State where an application for international protection has been registered considers that another Member State is responsible for examining the application, it shall, without delay and in any event within two months of the date on which the application was registered, request that other Member State to take charge of the applicant.

Amendment

If a Member State where an application for international protection has been registered considers that another Member State is responsible for examining the application, it shall, immediately and in any event within one month of the date on which the application was registered, request that other Member State to take charge of the applicant.

Or. en

Amendment 84
Proposal for a regulation
Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Notwithstanding the first subparagraph, in the case of a Eurodac hit with data recorded pursuant to Articles 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21 of Regulation (EC) No 767/2008, the request to take charge shall be sent within one month of receiving that hit.

Amendment

deleted

Notwithstanding the first subparagraph, in the case of a Eurodac hit with data recorded pursuant to Articles 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21 of Regulation (EC) No 767/2008, the request to take charge shall be sent within one month of receiving that hit.

Or. en

Amendment 85
Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment
The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued.

The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued, or where the applicant has been detained.

Amendment 86

Proposal for a regulation
Article 29 – paragraph 3 – subparagraph 1

Text proposed by the Commission

In the cases referred to in paragraphs 1 and 2, the take charge request by another Member State shall be made using a standard form and including proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the applicant’s statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.

Amendment

The take charge request shall be made using a standard form and include relevant elements from the applicant’s statement, and the circumstantial evidence used to justify the request, enabling the authorities of the requested Member State to check whether it is responsible based on the criteria laid down in this Regulation.

Amendment 87

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within one month of receipt of the request.

Amendment

1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of receipt of the request.

If the requesting Member State has asked for an urgent reply pursuant to Article
29(2), the requested Member State shall reply as soon as possible, and in any event within one month of receipt of the request.

Amendment 88

Proposal for a regulation
Article 30 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the requested Member State does not object to the request within the time limits set out in paragraph 1, this shall be tantamount to accepting the request, and entail the obligation to take charge of the applicant, including the obligation to provide for proper arrangements for arrival.

The objection referred to in the first subparagraph shall include elements of proof or circumstantial evidence.

Amendment 89

Proposal for a regulation
Article 30 – paragraph 7

Text proposed by the Commission

Amendment

7. Where the requesting Member State has asked for an urgent reply pursuant to Article 29(2), the requested Member State shall reply within the period requested or, failing that, within two weeks of receipt of the request.

deleted
Amendment 90
Proposal for a regulation
Article 30 – paragraph 8

Text proposed by the Commission

Amendment

8. Where the requested Member State does not object to the request within the one-month period set out in paragraph 1 by a reply which gives full and detailed reasons, or where applicable within the two-week period set out in paragraphs 2 and 7, this shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival.

Amendment 91
Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

Amendment

1. In a situation referred to in Article 26(1), point (b), (c) or (d) the Member State where the person is present shall make a take back notification immediately and in any event within two weeks after receiving the Eurodac hit.

Amendment 92
Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. The determining Member State

1. The requesting or notifying
whose take charge request as regards the applicant referred to in Article 26(1), point (a) was accepted or who made a take back notification as regards persons referred to in Article 26(1), point (b), (c) and (d) shall take a transfer decision at the latest within one week of the acceptance or notification.

Member State whose take charge request as referred to in Article 29 was accepted or who made a take back notification as referred to in Article 31 shall take a transfer decision within one week of the acceptance or notification.

Amendment 93

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. Where the requested Member State accepts to take charge of an applicant or to take back a person referred to in Article 26(1), point (b), (c) or (d), the requesting or the notifying Member State shall notify the person concerned in writing without delay of the decision to transfer him or her to the Member State responsible and, where applicable, of the fact that it will not examine his or her application for international protection.

Amendment

2. The requesting or notifying Member State shall immediately notify the person concerned in writing, in a language that he or she understands or is reasonably expected to understand, of the decision to transfer him or her to the Member State responsible, the consequences of such decision, including the time limits for carrying out the transfer and the obligations for the applicant set out in Article 9(5).

The notification shall also include, where available, information on the place where and the date on which the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.

Amendment 94

Proposal for a regulation
Article 32 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The decision referred to in paragraph 1

Amendment

The decision referred to in paragraph 1
shall contain information on the legal remedies available, including on the right to apply for suspensive effect, and on the time limits applicable for seeking such remedies and for carrying out the transfer, and shall, if necessary, contain information on the place where, and the date on which, the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.

shall also include information on the legal remedies available, including on the right to apply for suspensive effect, and on the time limits applicable for seeking such remedies.

Amendment 95
Proposal for a regulation
Article 32 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned together with the decision referred to in paragraph 1, when that information has not been already communicated.

Amendment

Member States shall ensure that information on persons or entities that can provide legal assistance to the person concerned is communicated to him or her together with the decision referred to in paragraph 1, when that information has not been already communicated.

Amendment 96
Proposal for a regulation
Article 32 – paragraph 5

Text proposed by the Commission

5. Where the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall inform him or her of the main elements of the decision, which shall always include

Amendment

deleted
Information on the legal remedies available and the time limits applicable for seeking such remedies, in a language that the person concerned understands or is reasonably supposed to understand.

Amendment 97
Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where an applicant or another person referred to in Article 26(1), point (b), (c) or (d) is detained pursuant to this Article, the period for submitting a take charge request or a take back notification shall not exceed two weeks from the registration of the application. Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back notification shall not exceed one week from the date on which the person was placed in detention. The Member State carrying out the procedure in accordance with this Regulation shall ask for an urgent reply on a take charge request. Such reply shall be given within one week of receipt of the take charge request. Failure to reply within the one-week period shall be tantamount to accepting the take charge request and shall entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival.

Amendment

Where an applicant or another person referred to in Article 26(1), point (b), (c) or (d) is detained pursuant to this Article, the period for submitting a take charge request or a take back notification shall not exceed two weeks from the application for international protection.

Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back notification shall not exceed two weeks from the date on which the person was placed in detention.
Amendment 98

Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 3 – introductory part

Text proposed by the Commission

Where a person is detained pursuant to this Article, the transfer of that person from the requesting or notifying Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within *four* weeks of:

Amendment

Where a person is detained pursuant to this Article, the transfer of that person from the requesting or notifying Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within *twelve* weeks of:

Amendment 99

Proposal for a regulation
Article 34 – paragraph 3 – subparagraph 4

Text proposed by the Commission

Where the requesting or notifying Member State fails to comply with the time limits for submitting a take charge request or take back notification or to take a transfer decision within the time limit laid down in Article 32(1) or where the transfer does not take place within the period of *four* weeks referred to in the third subparagraph of this paragraph, the person shall no longer be detained. Articles 29, 31 and 35 shall continue to apply accordingly.

Amendment

Where the requesting or notifying Member State, *for reasons beyond its control*, fails to comply with the time limits laid down in Article 29(1) or Article 32(1) or where the transfer does not take place within the period of *twelve* weeks referred to in the third subparagraph of this paragraph, the person shall no longer be detained.

Articles 29, 31 and 35 shall continue to apply accordingly.

Amendment 100

...
Proposal for a regulation
Article 35 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) and (d), from the requesting or notifying Member State to the Member State responsible shall be carried out in accordance with the national law of the requesting or notifying Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of the acceptance of the take charge request or of the confirmation of the take back notification by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3). That time limit may be extended up to a maximum of one year if the transfer cannot be carried out due to imprisonment of the person concerned.

Amendment

The transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) and (d), from the requesting or notifying Member State to the Member State responsible shall be carried out in accordance with the national law of the requesting or notifying Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of the acceptance of the take charge request or of the confirmation of the take back notification by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3). That time limit may be extended up to a maximum of one year if the transfer cannot be carried out due to imprisonment of the person concerned or his or her non-compliance with the transfer decision.

Proposal for a regulation
Article 37 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **transferring** Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate special needs of the person to be transferred, and in particular:

Amendment

2. The **requesting or notifying** Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate special needs of the person to be transferred, and in particular:

(This amendment applies throughout the text.)
Amendment 102
Proposal for a regulation
Article 37 – paragraph 2 – point c

Text proposed by the Commission

(c) in the case of minors, information on their education;

Amendment

(c) in the case of minors, the best interests of the child assessment and information as set out in Article 13, including on their education;

Amendment 103
Proposal for a regulation
Article 37 – paragraph 2 – point e a (new)

Text proposed by the Commission

(ea) any other relevant information.

Amendment

Amendment 104
Proposal for a regulation
Article 40 – paragraph 1 – point c a (new)

Text proposed by the Commission

(ca) implementing a return decision.

Amendment

Amendment 105
Proposal for a regulation
Article 40 – paragraph 3
3. Provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the applicant bases his or her application and, where applicable, the grounds for any decisions taken concerning the applicant. The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. **In any event, communication of the information requested shall be subject to the written approval of the applicant for international protection, obtained by the requesting Member State. In that case, the applicant must know for what specific information he or she is giving his or her approval.**

Information shall be shared through the DubliNet Network, established by Commission Regulation (EC) No 1560/2003. The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. The applicant shall be informed about the specific information requested by the requesting Member State and the reason for the request in advance.

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The Asylum Agency shall set up and facilitate the activities of a network of the competent authorities referred to in Article 41(1), with a view to enhancing practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance.

The Asylum Agency shall set up and facilitate the activities of a network or networks of the competent authorities referred to in Article 41(1), with a view to enhancing practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance.

The European Border and Coast Guard Agency and other relevant Union bodies, offices and agencies shall be represented in those networks when necessary.

Amendment 107

Proposal for a regulation
Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. Solidarity contributions for the benefit of a Member State under migratory pressure or subject to disembarkations following search and rescue operations shall consist of the following types:

Amendment

1. Solidarity contributions for the benefit of a Member State under migratory pressure shall consist of the following types:

Amendment 108

Proposal for a regulation
Article 45 – paragraph 1 – point d a (new)

Text proposed by the Commission

(da) the decision by a Member State to examine an application for international protection pursuant to Article 25.

Amendment

(da) the decision by a Member State to examine an application for international protection pursuant to Article 25.
Amendment 109
Proposal for a regulation
Article 46

Text proposed by the Commission

Amendment

Article 46 deleted

Solidarity Forum

A Solidarity Forum shall comprise all Member States. The Commission shall convene and preside the Solidarity Forum in order to ensure the smooth functioning of this Part.

Or. en

Amendment 110
Proposal for a regulation
Article 47

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 111
Proposal for a regulation
Article 48

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 112
Proposal for a regulation
Article 49
Amendment 113

Proposal for a regulation
Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall assess the migratory situation in a Member State where:

Amendment

1. The Commission shall assess the migratory situation in a Member State following a notification in accordance with Article 6c.

The Commission shall also assess the migratory situation in a Member State if it considers, based on available information, that a Member State could be under migratory pressure.

Or. en

Amendment 114

Proposal for a regulation
Article 50 – paragraph 1 – point a

Text proposed by the Commission

(a) that Member State has informed the Commission that it considers itself to be under migratory pressure;

Amendment

(a) deleted

Or. en

Amendment 115

Proposal for a regulation
Article 50 – paragraph 1 – point b
on the basis of available information, it considers that a Member State may be under migratory pressure.

Amendment 116
Proposal for a regulation
Article 50 – paragraph 2

2. The Asylum Agency and the European Border and Coast Guard Agency shall assist the Commission in drawing up the assessment of migratory pressure. The Commission shall inform the European Parliament, the Council and the Member States, *without delay*, that it is undertaking an assessment.

Amendment 117
Proposal for a regulation
Article 50 – paragraph 3 – introductory part

3. The assessment of migratory pressure shall cover the situation in the Member State concerned during the preceding six months, compared to the overall situation in the Union, and shall be based *in particular* on the following information:

*referred to in in Article 4b(1), second subparagraph, including the information gathered through the monitoring conducted by the Asylum Agency.*
Amendment 118

Proposal for a regulation
Article 50 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of applications for international protection by third-country nationals and the nationality of the applicants;

Amendment

deleted

Or. en

Amendment 119

Proposal for a regulation
Article 50 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of third-country nationals who have been detected by Member State authorities while not fulfilling, or no longer fulfilling, the conditions for entry, stay or residence in the Member State including overstayers within the meaning of Article 3(1)(19) of Regulation (EU) 2017/2226 of the European Parliament and of the Council\(^{58}\);

Amendment

deleted

Or. en

\(^{58}\) Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement

Amendment 120
Proposal for a regulation
Article 50 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the number of return decisions that respect Directive 2008/115/EC; deleted

Or. en

Amendment 121
Proposal for a regulation
Article 50 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the number of third-country nationals who left the territory of the Member States following a return decision that respects Directive 2008/115/EC; deleted

Or. en

Amendment 122
Proposal for a regulation
Article 50 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) the number of third-country nationals admitted by the Member States through Union and national resettlement deleted
[or humanitarian admission] schemes;

Amendment 123
Proposal for a regulation
Article 50 – paragraph 3 – point f

Text proposed by the Commission Amendment

(f) the number of incoming and outgoing take charge requests and take back notifications in accordance with Articles 34 and 36;

Or. en

Amendment 124
Proposal for a regulation
Article 50 – paragraph 3 – point g

Text proposed by the Commission Amendment

(g) the number of transfers carried out in accordance with Article 31;

Or. en

Amendment 125
Proposal for a regulation
Article 50 – paragraph 3 – point h

Text proposed by the Commission Amendment

(h) the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border;

Or. en
Amendment 126

Proposal for a regulation
Article 50 – paragraph 3 – point i

Text proposed by the Commission

(i) the number of persons refused entry in accordance with Article 14 of Regulation EU (No) 2016/399;

Amendment

deleted

Or. en

Amendment 127

Proposal for a regulation
Article 50 – paragraph 3 – point j

Text proposed by the Commission

(j) the number and nationality of third-country nationals disembarked following search and rescue operations, including the number of applications for international protection;

Amendment

deleted

Or. en

Amendment 128

Proposal for a regulation
Article 50 – paragraph 3 – point k

Text proposed by the Commission

(k) the number of unaccompanied minors.

Amendment

deleted

Or. en

Amendment 129
Proposal for a regulation
Article 50 – paragraph 4

Text proposed by the Commission

4. The assessment of migratory pressure shall also take into account the following:

(a) the information presented by the Member State, where the assessment is carried out pursuant to paragraph 1, point (a);

(b) the level of cooperation on migration with third countries of origin and transit, first countries of asylum, and safe third countries as defined in Regulation (EU) XXX/XXX [Asylum Procedure Regulation];

(c) the geopolitical situation in relevant third countries that may affect migratory movements;

(d) the relevant Recommendations provided for in Article 15 of Council Regulation (EU) No 1053/2013\(^5\), Article 13, 14 and 22 of Regulation (EU) XXX/XXX [European Union Asylum Agency] and Article 32(7) of Regulation (EU) 2019/1896;

(e) information gathered pursuant to Commission Recommendation of XXX on an EU mechanism for Preparedness and Management of Crisis related to Migration (Migration Preparedness and Crisis Blueprint)

(f) the Migration Management Report referred to in Article 6(4);

(g) the Integrated Situational Awareness and Analysis (ISAA) reports under Council Implementing Decision (EU) 2018/1993 on the EU Integrated Political Crisis Response Arrangements, provided that the Integrated Political Crisis Response is activated or the Migration Situational Awareness and Analysis (MISAA) report issued under the first stage of the Migration Preparedness and
Crisis Blueprint, when the Integrated Political Crisis Response is not activated;

(h) information from the visa liberalisation reporting process and dialogues with third countries;

(i) quarterly bulletins on migration, and other reports, of the European Union Agency for Fundamental Rights.

(j) the support provided by Union Agencies to the benefitting Member State.

59 Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.

Amendment 130

Proposal for a regulation
Article 51 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall submit the report on migratory pressure to the European Parliament and to the Council within one month after the Commission informed them that it was carrying out an assessment pursuant to Article 50(2).

Amendment

The Commission shall submit the report on migratory pressure to the Member State concerned, the European Parliament and to the Council within one month after the Commission informed them in accordance with Article 50(2) that it was undertaking an assessment.

Where a rapid response is required due to a developing situation in the Member State concerned, the Commission shall submit its report within two weeks from the date on which it informed the European Parliament, the Council and the Member States in accordance with
**Article 50(2) that it was undertaking an assessment.**

**Or. en**

**Amendment 131**

**Proposal for a regulation**

**Article 51 – paragraph 3 – point b – point ii**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) measures referred to in Article 45(1), points (a), (b) and (c) to be taken by other Member States;</td>
<td>(ii) measures referred to in Article 45(1), points (a), (b), (c) and (da) to be taken by other Member States;</td>
</tr>
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</table>

**Or. en**

**Amendment 132**

**Proposal for a regulation**

**Article 51 – paragraph 4**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Where the Commission considers that a rapid response is required due to a developing situation in a Member State, it shall submit its report within two weeks at the latest from the date on which it informed the European Parliament, the Council and the Member States pursuant to Article 50(2) that it was carrying out an assessment.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

**Or. en**

**Amendment 133**

**Proposal for a regulation**

**Article 51 – paragraph 4 a (new)**
4a. Where the Commission concludes that the Member State concerned is not under migratory pressure, it shall consider that the Member State concerned is at risk of migratory pressure, and shall apply the procedure set out in Article 6b of this Regulation.

Amendment 134
Proposal for a regulation
Article 52 – paragraph 1

Text proposed by the Commission

1. Where the report referred to in Article 51 indicates that a Member State is under migratory pressure, the other Member States which are not themselves benefitting Member States shall contribute by means of the solidarity contributions referred to in Article 45(1), points (a), (b) and (c). Member States shall prioritise the relocation of unaccompanied minors.

Amendment

1. Where the report referred to in Article 51 indicates that a Member State is under migratory pressure, the other Member States which are not themselves benefitting Member States shall contribute by means of the solidarity contributions referred to in Article 45(1), points (a), (b), (c) and (d a). Member States shall, where necessary, prioritise the relocation of unaccompanied minors and other vulnerable persons.

Or. en

Amendment 135
Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

2. Where the report referred to in Article 51 identifies measures referred to in paragraph 3, point (b)(iii) of that Article, other Member States may contribute by means of those measures instead of

Amendment

2. Where the report referred to in Article 51 identifies measures referred to in Article 45(1), point (d), other Member States may contribute by means of those measures, provided that such measures
measures referred to in Article 51(3)(b)(ii). Such measures shall not lead to a short fall of more than 30% of the total contributions identified in the report on migratory pressure under Article 51(3)(b)(ii).

have the same impact as measures taken in accordance with Article 45(1), point (a), (b), (c) and (da).

Or. en

Amendment 136

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 1

_text proposed by the Commission

Within two weeks from the adoption of the report referred to in Article 51, Member States shall submit to the Commission a Solidarity Response Plan by completing the form in Annex II. The Solidarity Response Plan shall indicate the type of contributions from among those set out in Article 51(3)(b)(ii) or, where relevant, the measures set out in Article 51(3)(b)(iii) that Member States propose to take. Where Member States propose more than one type of contribution set out in Article 51(3)(b)(ii), they shall indicate the share of each.

Amendment

Within two weeks from the notification referred to in Article 50(2), Member States shall submit to the Commission a Solidarity Response Plan by completing the form in Annex II. The Solidarity Response Plan shall indicate the type of contributions from among those set out in Article 45(1) that Member States propose to take. Where Member States propose more than one type of contribution set out in Article 45(1), they shall indicate the share of each.

Or. en

Amendment 137

Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 2

_text proposed by the Commission

Where the Solidarity Response Plan includes return sponsorship, Member States shall indicate the nationalities of the illegally staying third-country nationals present on the territory of the Member

Amendment

Where the Solidarity Response Plan includes return sponsorship, Member States shall indicate the nationalities of the illegally staying third-country nationals present on the territory of the Member
State concerned that they intend to sponsor, and whether they intend to sponsor those third-country nationals in their own territory or in the territory of the benefiting Member State.

Amendment 138
Proposal for a regulation
Article 52 – paragraph 3 – subparagraph 3

Text proposed by the Commission
Where Member States indicate measures set out in Article 51(3)(b)(iii) in the Solidarity Response Plan they shall also indicate the detailed arrangements and the time-frame for their implementation.

Amendment
Where Member States indicate measures set out in Article 45(1) point (d) in the Solidarity Response Plan they shall also indicate the detailed arrangements and the time-frame for their implementation.

Amendment 139
Proposal for a regulation
Article 52 – paragraph 4

Text proposed by the Commission
4. Where the Commission considers that the solidarity contributions indicated in the Solidarity Response Plans do not correspond to the needs identified in the report on migratory pressure provided for in Article 51, it shall convene the Solidarity Forum. In such cases, the Commission shall invite Member States to adjust the type of contributions in their Solidarity Response Plans in the course of the Solidarity Forum by submitting revised Solidarity Response Plans.

Amendment
4. Where the Commission considers that the solidarity contributions indicated in the Solidarity Response Plans do not correspond to the needs identified in the report on migratory pressure provided for in Article 51, it shall invite the Member States to adjust the type of contributions in their Solidarity Response Plans.

The Commission shall consider measures at its disposal to facilitate the adjustment of voluntary contributions by the Member
States.

Amendment 140
Proposal for a regulation
Article 52 – paragraph 5

Text proposed by the Commission

5. A Member State proposing solidarity contributions set out in Article 51(3)(b)(ii), may request a deduction of 10% of its share calculated according to the distribution key set out in Article 54 where it indicates in the Solidarity Response Plans that over the preceding five years it has examined twice the Union average per capita of applications for international protection.

Or. en

Amendment 141
Proposal for a regulation
Article 52 – paragraph 5 a (new)

Text proposed by the Commission

5a. The Solidarity Response Plan shall be adopted within one month from the submission of the report on migratory pressure referred to in Article 51 to the Member State concerned, the European Parliament and the Council.

Or. en

Amendment 142
Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

1. Within two weeks from the submission of the Solidarity Response Plans referred to in Article 52(3) or, where the Solidarity Forum is convened pursuant to Article 52(4), within two weeks from the end of the Solidarity Forum, the Commission shall adopt an implementing act laying down the solidarity contributions for the benefit of the Member State under migratory pressure to be taken by the other Member States and the timeframe for their implementation.

Amendment

1a. Where the Commission considers that the adjusted solidarity contributions do not correspond to the needs identified in the report on migratory pressure provided for in Article 51, and the Member State concerned does not accept the adjusted voluntary contributions, it shall set out the solidarity contributions of the Member States for the remaining needs in an implementing act. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(1a).

Amendment 143

Proposal for a regulation

Article 53 – paragraph 1 a (new)

Text proposed by the Commission

1a. Where the Commission considers that the adjusted solidarity contributions do not correspond to the needs identified in the report on migratory pressure provided for in Article 51, and the Member State concerned does not accept the adjusted voluntary contributions, it shall set out the solidarity contributions of the Member States for the remaining needs in an implementing act. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(1a).

Amendment 144
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 2

Text proposed by the Commission
Where the type of contribution indicated by Member States in their solidarity response plans is that referred to in Article 45(1), point (d), the Commission shall assess whether the measures proposed are in proportion to the contributions that the Member States would have made by means of the measures referred to in Article 45(1), points (a), (b) or (c) as a result of the application of the distribution key set out in Article 54.

Amendment
Where the type of contribution indicated by Member States in their solidarity response plans is that referred to in Article 45(1), point (d), the Commission shall assess whether the measures proposed are in proportion to the contributions that the Member States would have made by means of the measures referred to in Article 45(1), points (a), (b), (c) or (da) as a result of the application of the distribution key set out in Article 54.

Amendment 145
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 3

Text proposed by the Commission
Where the measures proposed are not in proportion to the contributions that the contributing Member State would have made by means of the measures referred to in Article 45(1), points (a), (b) or (c), the Commission shall set out in the implementing act the measures proposed while adjusting their level.

Amendment
Where the measures proposed are not in proportion to the contributions that the contributing Member State would have made by means of the measures referred to in Article 45(1), points (a), (b) or (c), or (da), the Commission shall set out in the implementing act the measures proposed while adjusting their level.

Amendment 146
Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 4

Text proposed by the Commission
Where the measures proposed would lead

Amendment
deleted
to a shortfall greater than 30% of the total number of solidarity measures identified in the report on migratory pressure under Article 51(3)(b)(ii), the contributions set out in the implementing act shall be adjusted so that those Member States indicating such measures would be required to cover 50% of their share calculated according to the distribution key set out in Article 54 through measures set out in Article 51(3)(b)(ii). The Commission shall adjust measures referred to in Article 51(3)(b)(iii) indicated by those Member States accordingly.

Amendment 147

Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. The implementing act shall set out:

Amendment

3. The implementing act shall take into account the capacity and needs of the benefiting Member States in the area of asylum identified in the report referred to in Article 51 and set out:

Amendment 148

Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) the total number of persons to be relocated from the requesting Member State pursuant to Article 45(1), points (a) or (c), taking into account the capacity and needs of the requesting Member

Amendment

(a) the distribution of persons to be relocated from the requesting Member State pursuant to Article 45(1), points (a) or (c);
**States in the area of asylum identified in the report referred to in Article 51(3)(b)(ii);**

Amendment 149

Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 1 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(b) the <strong>total number</strong> of persons to be subject to return sponsorship from the requesting Member State pursuant to Article 45(1), point (b), <strong>taking into account the capacity and needs of the requesting Member States on return identified in the report referred to in Article 51(3)(b)(ii);</strong></td>
<td>(b) the <strong>distribution</strong> of persons to be subject to return sponsorship from the requesting Member State pursuant to Article 45(1), point (b);</td>
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</table>

Amendment 150

Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 1 – point c

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) the <strong>distribution of persons to be relocated and/or those to be subject to return sponsorship among the Member States including the benefitting Member State, on the basis of the distribution key set out in Article 54;</strong></td>
<td><strong>deleted</strong></td>
</tr>
</tbody>
</table>

Amendment 151

Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the total number of applications for international protection to be examined by Member States pursuant to Article 45(1), point (da);

Or. en

Amendment 152
Proposal for a regulation
Article 53 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The distribution referred to in paragraph 3 point (c) shall be adjusted where a Member State making a request pursuant to Article 52(5) demonstrates in the Solidarity Response Plan that over the preceding 5 years it has been responsible for twice the Union average per capita of applications for international protection. In such cases the Member State shall receive a deduction of 10% of its share calculated according to the distribution key set out in Article 54. This deduction shall be distributed proportionately among the Member States making contributions referred to in Article 45(1) points (a), (b) and (c);

The distribution referred to in the first subparagraph of this paragraph shall be adjusted where a Member State making a request pursuant to Article 52(5) demonstrates in the Solidarity Response Plan that over the preceding ten years it has been responsible for twice the Union average per capita of applications for international protection. In such cases the Member State shall receive a deduction of 10% of its share calculated according to the distribution key set out in Article 54. This deduction shall be distributed proportionately among the Member States making contributions referred to in Article 45(1) points (a), (b), (c) and (d a).

Or. en

Amendment 153
Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

Amendment

1. A Member State may commit to

1. A Member State may commit to
support a Member State to return illegally staying third-country nationals by means of
return sponsorship whereby, acting in close coordination with the benefitting Member
State, it shall take measures to carry out the return of those third-country nationals from
the territory of the benefitting Member State.

Support a Member State to return illegally staying third-country nationals by means of
return sponsorship whereby, acting in close coordination with the benefitting Member
State, it shall take measures to carry out the return of those third-country nationals,
\textit{either from its own territory or} from the territory of the benefitting Member State.

Or. en

\textbf{Amendment 154}

\textbf{Proposal for a regulation}

\textbf{Article 55 – paragraph 1 a (new)}

\textit{Text proposed by the Commission}

Amendment

1a. \textit{To facilitate the return sponsorship, a return decision issued by the benefitting Member State shall be mutually recognised by the contributing Member State.}

Or. en

\textbf{Amendment 155}

\textbf{Proposal for a regulation}

\textbf{Article 55 – paragraph 2}

\textit{Text proposed by the Commission}

Amendment

2. Where a Member State commits to provide return sponsorship and the illegally staying third-country nationals who are subject to a return decision issued by the benefitting Member State do not return or are not removed within 8 months, the Member State providing return sponsorship shall transfer the persons concerned onto its own territory in line with the procedure set out in Articles 57 and 58. This period shall start from the adoption of the implementing act referred to in Article

2. Where a Member State commits to provide return sponsorship \textit{on the territory of the benefitting Member State} and the illegally staying third-country nationals who are subject to a return decision issued by the benefitting Member State do not return or are not removed within 8 months, the Member State providing return sponsorship shall transfer the persons concerned onto its own territory in line with the procedure set out in Articles 57 and 58. This period shall start from the
53(1) or, where applicable, in Article 49(2). adoption of the implementing act referred to in Article 53(1) or, where applicable, in Article 49(2).

Amendment 156
Proposal for a regulation
Article 55 – paragraph 4 – subparagraph 1 – point e a (new)

Text proposed by the Commission Amendment

(ea) any other activities requested by the benefitting Member State to facilitate the return of illegally staying third-country nationals.

Amendment 157
Proposal for a regulation
Article 55 – paragraph 4 a (new)

Text proposed by the Commission Amendment

4a. The contributing Member State shall be able to request the assistance of the European Border and Coast Guard Agency in accordance with Article 7(2) of Regulation (EU) 2019/1896.

Amendment 158
Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission Amendment

2. Before applying the procedure set 2. Before applying the procedure set
out in this Article, the benefitting Member State shall ensure that there are no reasonable grounds to consider the person concerned a danger to national security or public order of that Member State. If there are reasonable grounds to consider the person a danger to national security or public order, the benefitting Member State shall not apply the procedure set out in this Article and shall, where applicable, exclude the person from the list referred to in Article 49(2).

Amendment 159
Proposal for a regulation
Article 57 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where relocation is to be applied, the benefitting Member State shall identify the persons who could be relocated. Where the person concerned is an applicant for or a beneficiary of international protection, that Member State shall take into account, where applicable, the existence of meaningful links between the person concerned and the Member State of relocation. Where the identified person to be relocated is a beneficiary for international protection, the person concerned shall be relocated only after that person consented to relocation in writing.

Amendment

Where relocation is to be applied, the benefitting Member State shall identify the persons who could be relocated. Where the person concerned is an applicant for or a beneficiary of international protection, that Member State shall take into account, where applicable, the existence of meaningful links between the person concerned and the contributing Member State. Where the identified person to be relocated is a beneficiary for international protection, the person concerned shall be relocated only after that person consented to relocation in writing.

(This amendment applies throughout the text.)

Amendment 160
Proposal for a regulation
Article 58 – paragraph 2 – subparagraph 1
Where the Member State of relocation has relocated an applicant for whom the Member State responsible has not yet been determined, that Member State shall apply the procedures set out in Part III, with the exception of Article 8(2), Article 9(1) and (2), Article 15(5), and Article 21(1) and (2).

Amendment

Where the relocation concerns an applicant for whom the Member State responsible has not yet been determined, the contributing Member State shall apply the procedures set out in Part III, with the exception of Article 8(2), Article 9(1) and (2), and Article 15(5).

Or. en

Amendment 161

Proposal for a regulation
Article 67 – paragraph 1 a (new)

Text proposed by the Commission

1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Amendment

Or. en

Amendment 162

Proposal for a regulation
Article 69 – paragraph 1

Text proposed by the Commission

By [18 months after entry into force] and from then on annually, the Commission shall review the functioning of the measures set out in Chapters I-III of Part IV of this Regulation.

Amendment

By ... [18 months after entry into force] and every two years thereafter, the Commission shall review the functioning of this Regulation. The review shall be transmitted to the European Parliament and to the Council.

Or. en
Amendment 163
Proposal for a regulation
Article 69 – paragraph 2

Text proposed by the Commission

[Three years after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]

Amendment

deleted

Or. en

Amendment 164
Proposal for a regulation
Article 69 – paragraph 3

Text proposed by the Commission

No sooner than [five] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [five] years time limit expires.

Amendment

No sooner than [three] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [five] years time limit expires.

Or. en

Amendment 165
Proposal for a regulation
Article 69 a (new)

Article 69a

Assistance in monitoring
1. The Commission shall be assisted by the Asylum Agency in the implementation and monitoring of this Regulation. The Asylum Agency shall use existing networks or create new networks for coordinating the implementation of this Regulation with competent authorities of the Member States.

2. Where applicable, the European Border and Coast Guard Agency and other relevant Union bodies, offices and agencies shall be invited to participate in such networks.