



2016/0224(COD)

12.5.2017

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU
(COM(2016)0467 – C8-0321/2016 – 2016/0224(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Laura Ferrara

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (COM(2016)0467 – C8-0321/2016 – 2016/0224(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0224),
 - having regard to Article 294(2) and Articles 78(2)(d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0321/2016),
 - 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 Czech Senate, the Italian Senate and the Romanian Chamber of Deputies 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 14 December 2016¹,
 - having regard to the opinion of the Committee of the Regions of 8 February 2017²,
 - 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 (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to 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.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The applicant should be provided with an effective opportunity to present all relevant elements at his or her disposal to the determining authority. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. For the right to a personal interview to be effective, the applicant should be assisted by an interpreter and be given the opportunity to provide his or her explanations concerning the grounds for his or her application in a comprehensive manner. The applicant should be given sufficient time to prepare and consult with his or her legal adviser or counsellor, and he or she may be assisted by the legal adviser or counsellor during the interview. The personal interview should be conducted under conditions which ensure appropriate confidentiality and by adequately trained and competent personnel, including where necessary, personnel from authorities of other Member States or experts deployed by the European Union Agency for Asylum. The personal interview may only be omitted when the determining authority is to take a positive decision on the application or is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstance beyond his or her control. Given that the personal interview is an essential part of the examination of the application, the interview should be recorded and the applicants and their legal advisers should be given access to the recording, as well as to the report *or transcript* of the interview before the

Amendment

(13) The applicant should be provided with an effective opportunity to present all relevant elements at his or her disposal to the determining authority. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. For the right to a personal interview to be effective, the applicant should be assisted by an interpreter *and by a cultural mediator, where possible and necessary*, and be given the opportunity to provide his or her explanations concerning the grounds for his or her application in a comprehensive manner. The applicant should be given sufficient time to prepare and consult with his or her legal adviser or counsellor, and he or she may be assisted by the legal adviser or counsellor during the interview. The personal interview should be conducted under conditions which ensure appropriate confidentiality and by adequately trained and competent personnel, including where necessary, personnel from authorities of other Member States or experts deployed by the European Union Agency for Asylum. The personal interview may only be omitted when the determining authority is to take a positive decision on the application or is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstance beyond his or her control. Given that the personal interview is an essential part of the examination of the application, the interview should be recorded and the applicants and their legal advisers should be given access to the

determining authority takes a decision, *or in the case of an accelerated examination procedure, at the same time as the decision is made.*

recording, as well as to the report of the interview before the determining authority takes a decision. *If the applicant is in need of special procedural guarantees in accordance with Articles 19 to 22, that applicant must have the opportunity to provide the specifications within a reasonable time after the personal interview.*

Or. it

Amendment 2

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal assistance and representation should be an integral part of the common procedure for international protection. In order to ensure the effective protection of the applicant's rights, particularly the right of defence and the principle of fairness, and to ensure the economy of the procedure, applicants should, upon their request and subject to conditions set out in this Regulation, be provided with free legal assistance and representation during the administrative procedure and in the appeal procedure. The free legal assistance and representation should be provided by persons competent to provide them under national law.

Amendment

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal assistance and representation should be an integral part of the common procedure for international protection. In order to ensure the effective protection of the applicant's rights, particularly the right of defence and the principle of fairness, and to ensure the economy of the procedure, applicants should, upon their request and subject to conditions set out in this Regulation, be provided with free legal assistance and representation during the administrative procedure and in the appeal procedure. The free legal assistance and representation ***shall be provided as soon as an applicant has declared the wish to receive protection and*** should be provided by persons competent to provide them under national law.

Amendment 3**Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) Applicants who are identified as being in need of special procedural guarantees should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection. Where it is not possible to provide adequate support in the framework of an accelerated examination procedure or a border procedure, an applicant in need of special procedural guarantees should be exempted from those procedures. ***The need for special procedural guarantees of a nature that could prevent the application of accelerated or border procedures should also mean that the applicant is provided with additional guarantees in cases where his or her appeal does not have automatic suspensive effect, with a view to making the remedy effective in his or her particular circumstances.***

Amendment

(17) Applicants who are identified as being in need of special procedural guarantees should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection. Where it is not possible to provide adequate support in the framework of an accelerated examination procedure or a border procedure, an applicant in need of special procedural guarantees should be exempted from those procedures. ***Minors shall always be exempted from*** border procedures.

Amendment 4**Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) The common procedure streamlines the time-limits for an individual to accede to the procedure, for the examination of the

Amendment

(21) The common procedure streamlines the time-limits for an individual to accede to the procedure, for the examination of the

application by the determining authority as well as for the examination of first level appeals by judicial authorities. Whereas a disproportionate number of simultaneous applications may risk delaying access to the procedure and the examination of the applications, a measure of flexibility to exceptionally extend those time-limits may at times be needed. However, to ensure an effective process, extending those time-limits should be a measure of last resort considering that Member States should regularly review their needs to maintain an efficient asylum system, including by preparing contingency plans where necessary, and considering that the European Union Agency for Asylum should provide Member States with the necessary operational and technical assistance. Where Member States foresee that they would not be able to meet the set time-limits, they should request assistance from the European Union Agency for Asylum. ***Where no such request is made, and because of the disproportionate pressure the asylum system in a Member State becomes ineffective to the extent of jeopardising the functioning of the Common European Asylum System, the Agency may, based on an implementing decision of the Commission, take measures in support of that Member State.***

application by the determining authority as well as for the examination of first level appeals by judicial authorities. Whereas a disproportionate number of simultaneous applications may risk delaying access to the procedure and the examination of the applications, a measure of flexibility to exceptionally extend those time-limits may at times be needed. However, to ensure an effective process, extending those time-limits should be a measure of last resort considering that Member States should regularly review their needs to maintain an efficient asylum system, including by preparing contingency plans where necessary, and considering that the European Union Agency for Asylum should provide Member States with the necessary operational and technical assistance. Where Member States foresee that they would not be able to meet the set time-limits, they should request assistance from the European Union Agency for Asylum.

Or. it

Amendment 5

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) The applicant should be informed properly of his or her rights and obligations in a timely manner and in a language that he or she understands ***or is reasonably***

Amendment

(25) The applicant should be informed properly of his or her rights and obligations in a timely, ***concise and easily accessible*** manner, ***in clear and simple language***, and

meant to understand. Having regard to the fact that where, for instance, the applicant refuses to cooperate with the national authorities by not providing the elements necessary for the examination of the application and by not providing his or her fingerprints or facial image, or fails to lodge his or her application within the set time limit, the application could be rejected as abandoned, it is necessary that the applicant be informed of the consequences for not complying with those obligations.

in a language that he or she understands. It is necessary that the applicant be informed of the consequences for not complying with those obligations.

Or. it

Amendment 6

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) To be able to fulfil their obligations under this Regulation, the personnel of the authorities responsible for receiving and registering applications should have appropriate knowledge and should **receive** the necessary training in the field of international protection, including with the support of the European Union Agency for Asylum. They should also be given the appropriate means and instructions to effectively perform their tasks.

Amendment

(26) To be able to fulfil their obligations under this Regulation, the personnel of the authorities responsible for receiving and registering applications should have appropriate knowledge and should **have received** the necessary training in the field of international protection, including with the support of the European Union Agency for Asylum. They should also be given the appropriate means and instructions to effectively perform their tasks.

Or. it

Amendment 7

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) In order to facilitate access to the

Amendment

(27) In order to facilitate access to the

procedure at border crossing points and in detention facilities, information should be made available on the possibility to apply for international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to receive international protection should be ensured through interpretation arrangements.

procedure at border crossing points and in detention facilities, information should be made available on the possibility to apply for international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to receive international protection should be ensured through interpretation arrangements. ***Staff who provide interpretation services should have appropriate knowledge and should have received the necessary training on international protection.***

Or. it

Amendment 8

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) To ensure that unaccompanied minors have effective access to the procedure, they should always be appointed a guardian. The guardian should be a person or a representative of an organisation appointed to assist and guide the minor through the procedure with a view to safeguard the best interests of the child as well his or her general well-being. Where necessary, the guardian should exercise legal capacity for the minor. In order to provide effective support to the unaccompanied minors, guardians should not be placed in charge of a disproportionate number of unaccompanied minors at the same time. Member States should appoint entities or persons responsible for the support, supervision and monitoring of the guardians in the performance of their tasks. An unaccompanied minor should lodge an application in his or her own name or through the guardian. In order to safeguard the rights and procedural guarantees of an

Amendment

(29) To ensure that unaccompanied minors have effective access to the procedure, they should always be appointed a guardian. The guardian should be a person or a representative of an organisation appointed to assist and guide the minor through the procedure with a view to safeguard the best interests of the child as well his or her general well-being. Where necessary, the guardian should exercise legal capacity for the minor. In order to provide effective support to the unaccompanied minors, guardians should not be placed in charge of a disproportionate number of unaccompanied minors at the same time, ***and in any event that number should not be more than 20.*** Member States should appoint entities or persons responsible for the support, supervision and monitoring of the guardians in the performance of their tasks. An unaccompanied minor should lodge an application in his or her own name or through the guardian. In order to safeguard

unaccompanied minor, the time-limit for him or her to lodge an application should start to run from when his or her guardian is appointed and they meet. Where the guardian does not lodge the application within the set time limit, the unaccompanied minor should be given an opportunity to lodge the application on his or her name with the assistance of the determining authority. The fact that an unaccompanied minor chooses to lodge an application in his or her own name should not preclude him or her from being assigned a guardian.

the rights and procedural guarantees of an unaccompanied minor, the time-limit for him or her to lodge an application should start to run from when his or her guardian is appointed and they meet. Where the guardian does not lodge the application within the set time limit, the unaccompanied minor should be given an opportunity to lodge the application on his or her name with the assistance of the determining authority. The fact that an unaccompanied minor chooses to lodge an application in his or her own name should not preclude him or her from being assigned a guardian.

Or. it

Amendment 9

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) In order to guarantee the rights of the applicants, decisions on all applications for international protection should be taken on the basis of the facts, objectively, impartially and on an individual basis after a thorough examination which takes into account all the elements provided by the applicant and the individual circumstances of the applicant. To ensure a rigorous examination of an application, the determining authority should take into account relevant, accurate and up-to-date information relating to the situation in the country of origin of the applicant obtained from the European Union Agency for Asylum and other sources such as the United Nations High Commissioner for Refugees. The determining authority should also take into account any relevant common analysis of country of origin information developed by the European Union Agency for Asylum. Any

Amendment

(30) In order to guarantee the rights of the applicants, decisions on all applications for international protection should be taken on the basis of the facts, objectively, impartially and on an individual basis after a thorough examination which takes into account all the elements provided by the applicant and the individual circumstances of the applicant. To ensure a rigorous examination of an application, the determining authority should take into account relevant, accurate and up-to-date information relating to the situation in the country of origin of the applicant obtained from the European Union Agency for Asylum and other sources such as the United Nations High Commissioner for Refugees **and other governmental and non-governmental organisations**. The determining authority should also take into account any relevant common analysis of country of origin information developed by

postponement of concluding the procedure should fully comply with the obligations of the Member States under Regulation (EU) No XXX/XXX (Qualification Regulation) and with the right to good administration, without prejudice to the efficiency and fairness of the procedure under this Regulation.

the European Union Agency for Asylum. Any postponement of concluding the procedure should fully comply with the obligations of the Member States under Regulation (EU) No XXX/XXX (Qualification Regulation) and with the right to good administration, without prejudice to the efficiency and fairness of the procedure under this Regulation.

Or. it

Amendment 10

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Without prejudice to carrying out an adequate and complete examination of an application for international protection, it is in the interests of both Member States and applicants for a decision to be taken as soon as possible. Maximum time-limits for the duration of the administrative procedure as well as for the first level of appeal should be established to streamline the procedure for international protection. In this way, applicants should be able to receive a decision on their application within the least amount of time possible in all Member States thereby ensuring a speedy and efficient procedure.

Amendment

(33) Without prejudice to carrying out an adequate and complete examination of an application for international protection, it is in the interests of both Member States and applicants for a decision to be taken as soon as possible. Maximum time-limits for the duration of the administrative procedure as well as for the first level of appeal should be established to streamline the procedure for international protection. In this way, applicants should be able to receive a decision on their application within the least amount of time possible in all Member States thereby ensuring a speedy and efficient procedure. ***The streamlining of the procedure shall in no way have an adverse impact on an in-depth and individual examination of the merits of applications for protection.***

Or. it

Amendment 11

Proposal for a regulation

Recital 35

(35) *Before determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX of the European Parliament and of the Council (Dublin Regulation)²⁸, the first Member State in which an application has been lodged should examine the admissibility of that application when a country which is not a Member State is considered as a first country of asylum or safe third country for the applicant. In addition, an application should be considered to be inadmissible when it is a subsequent applicant without new relevant elements or findings and when a separate application by a spouse, partner, dependent adult or minor is not considered to be justified.*

deleted

²⁸ OJ L [...], [...], p. [...].

Or. it

Amendment 12

Proposal for a regulation Recital 36

(36) The concept of first country of asylum *should be applied* as a ground for inadmissibility where it can reasonably be assumed that another country would grant protection in accordance with *the substantive standards of* the Geneva Convention *or the applicant would be provided sufficient protection in that country*. In particular, the Member States *should not* examine the merits of an application where a first country of asylum has granted the applicant refugee status *or otherwise sufficient protection*. Member

(36) *Member States may apply* the concept of first country of asylum as a ground for inadmissibility where it can reasonably be assumed that another country would grant protection in accordance with the Geneva Convention *of 1951*. In particular, the Member States *may decide not to* examine the merits of an application where a first country of asylum has granted the applicant refugee status. Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate,

States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant has enjoyed and will continue to enjoy protection in that country in accordance with the Geneva Convention *or has otherwise enjoyed and will continue to enjoy sufficient protection*, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards.

based on assurances obtained from the third country concerned, that the applicant has enjoyed and will continue to enjoy protection in that country in accordance with the Geneva Convention, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards.

Or. it

Amendment 13

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) The concept of safe third country ***should be applied*** as a ground for inadmissibility where the applicant, due to a connection to the third country ***including one through which he or she has transited***, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be admitted or readmitted to that country. Member States should proceed on that basis only where they are satisfied ***including, where necessary or appropriate, based on assurances obtained from the third country concerned***, that the applicant will have the possibility to receive protection in accordance with ***the substantive standards of the Geneva Convention or will enjoy sufficient protection, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and***

Amendment

(37) ***Member States may apply*** the concept of safe third country as a ground for inadmissibility where the applicant, due to a connection to the third country, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be admitted or readmitted to that country. ***Such a link may not be assumed from the mere fact that the applicant has transited through the country concerned.*** Member States should proceed on that basis only where they are satisfied that the applicant will have the possibility to receive protection in accordance with the Geneva Convention ***of 1951. The concept of ‘safe third country’ may only be applied to countries which have ratified and applied the Geneva Convention without any territorial restrictions.***

education, and the right to family reunification in accordance with international human rights standards.

Or. it

Amendment 14

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) An application for international protection should be examined on its merits to determine whether an applicant qualifies for international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation). There need not be an examination on the merits where an application should be declared as inadmissible in accordance with this Regulation. However, where from a prima facie assessment it is clear that an application may be rejected as manifestly unfounded, the application may be rejected ***on that ground*** without examining its admissibility.

Amendment

(38) An application for international protection should be examined on its merits to determine whether an applicant qualifies for international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation). There need not be an examination on the merits where an application should be declared as inadmissible in accordance with this Regulation. However, where from a prima facie assessment it is clear that an application may be rejected as manifestly unfounded ***and/or the application is manifestly well-founded***, the application may be rejected ***and/or accepted on those grounds*** without examining its admissibility.

Or. it

Amendment 15

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) The examination of an application should be accelerated and completed within a maximum of two months in those instances where an application is manifestly unfounded because it is an

Amendment

(39) The examination of an application should be accelerated and completed within a maximum of two months in those instances where an application is manifestly unfounded because it is an

abusive claim, including where an applicant comes from a safe country of origin or ***an applicant is making an application merely to delay or frustrate the enforcement of a removal decision, or*** where there are serious national security or public concerns, ***where the applicant does not apply for international protection in the first Member State of entry or in the Member State of legal residence or where an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document is taken back under the Dublin Regulation. In the latter case, the examination of the application should not be accelerated if the applicant is able to provide substantiated justifications for having left to another Member State without authorisation, for having made an application in another Member State or for having otherwise been unavailable to the competent authorities, such as for instance that he or she was not informed adequately and in a timely manner of his or her obligations.*** Furthermore, an accelerated examination procedure may be applied to unaccompanied minors only within the limited circumstances set out in this Regulation.

abusive claim, including where an applicant comes from a safe country of origin or where there are serious national security or public concerns. Furthermore, an accelerated examination procedure may be applied to unaccompanied minors only within the limited circumstances set out in this Regulation.

Or. it

Amendment 16

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide

Amendment

(40) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide

for an examination on admissibility or an examination on the merits which would make it possible for such applications to be decided upon at those locations in well-defined circumstances. The border procedure should not take longer than four weeks and after that period applicants should be allowed entry to the territory of the Member State. It is only where a disproportionate number of applicants lodge their applications at the borders or in a transit zone, that the border procedure may be applied at locations in proximity to the border or transit zone. A border procedure may be applied to ***unaccompanied*** minors ***only within the limited circumstances set out in this Regulation.***

for an examination on admissibility or an examination on the merits which would make it possible for such applications to be decided upon at those locations in well-defined circumstances. The border procedure should not take longer than four weeks and after that period applicants should be allowed entry to the territory of the Member State. It is only where a disproportionate number of applicants lodge their applications at the borders or in a transit zone, that the border procedure may be applied at locations in proximity to the border or transit zone. A border procedure may ***not*** be applied to minors.

Or. it

Amendment 17

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) Where an applicant ***either*** explicitly withdraws his or her application of his or her own motion, ***or does not comply with the obligations arising from this Regulation, Regulation (EU) No XXX/XXX (Dublin Regulation) or Directive XXX/XXX/EU (Reception Conditions Directive) thereby implicitly withdraws his or her application,*** the application should not be further examined and it should be rejected as explicitly withdrawn or abandoned, ***and any application in the Member States by the same applicant further after that decision should be considered to be a subsequent application. However, the implicit withdrawal should not be automatic but the applicant should be allowed the opportunity to report to the determining***

Amendment

(43) Where an applicant explicitly withdraws his or her application of his or her own motion the application should not be further examined and it should be rejected as explicitly withdrawn or abandoned.

authority and demonstrate that the failure to comply with those obligations was due to circumstances beyond his control.

Or. it

Amendment 18

Proposal for a regulation Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) Implicit withdrawal should not be automatic and should result not in the automatic rejection of the application but in its temporary suspension. The applicant should be specifically allowed the opportunity to report to the determining authority and demonstrate that the failure to comply with the obligations was due to circumstances beyond his or her control. In such a case, examination of the application shall be resumed.

Or. it

Amendment 19

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) Where an applicant makes a subsequent application without presenting new evidence or findings *which significantly increase his or her likelihood of qualifying as a beneficiary of international protection* or which relate to the reasons for which the previous application was rejected as inadmissible, that subsequent application should not be subject to a new full examination

(44) Where an applicant makes a subsequent application without presenting new evidence or findings or *evidence or findings* which relate to the reasons for which the previous application was rejected as inadmissible, that subsequent application should not be subject to a new full examination procedure. In those cases, following a preliminary examination, applications should be dismissed as

procedure. In those cases, following a preliminary examination, applications should be dismissed as inadmissible or as manifestly unfounded where the application is *so* clearly without substance or abusive ***that it has no tangible prospect of success***, in accordance with the res judicata principle. The preliminary examination shall be carried out on the basis of written submissions and a personal interview however the personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is clearly without substance ***and has no tangible prospect of success***. ***In case of subsequent applications, exceptions may be made to the individual's right to remain on the territory of a Member State after a subsequent application is rejected as inadmissible or unfounded, or in the case of a second or further subsequent applications, as soon as an application is made in any Member States following a final decision which had rejected a previous subsequent application as inadmissible, unfounded or manifestly unfounded.***

inadmissible or as manifestly unfounded where the application is ***very*** clearly without substance or abusive, in accordance with the res judicata principle. The preliminary examination shall be carried out on the basis of written submissions and a personal interview however the personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is clearly without substance.

Or. it

Amendment 20

Proposal for a regulation Recital 45

Text proposed by the Commission

(45) A key consideration as to whether an application for international protection is well-founded is the safety of the applicant in his or her country of origin. Having regard to the fact that Regulation (EU) No XXX/XXX (Qualification Regulation) aims to achieve a high level of convergence on the qualification of third-

Amendment

(45) A key consideration as to whether an application for international protection is well-founded is the safety of the applicant in his or her country of origin. Having regard to the fact that Regulation (EU) No XXX/XXX (Qualification Regulation) aims to achieve a high level of convergence on the qualification of third-

country nationals and stateless persons as beneficiaries of international protection, this Regulation establishes common criteria for designating third countries as safe countries of origin and, in view of the need to strengthen the application of the safe country of origin concept as an essential tool to support the swift processing of applications *that are likely to be unfounded*, this Regulation sets out an EU common list of safe countries of origin.

country nationals and stateless persons as beneficiaries of international protection, this Regulation establishes common criteria for designating third countries as safe countries of origin and, in view of the need to strengthen the application of the safe country of origin concept as an essential tool to support the swift processing of applications *for international protection*, this Regulation sets out an EU common list of safe countries of origin.

Or. it

Amendment 21

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) As regards the designation of safe third countries at Union level, this Regulation provides for having such a designation. Third countries should be designated as safe third countries at Union level by means of an amendment to this Regulation based on the conditions set out in this Regulation and after carrying out a detailed evidence-based assessment involving substantive research and broad consultation with Member States and relevant stakeholders.

Amendment

deleted

Or. it

Amendment 22

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) The establishment of an EU

Amendment

(48) The establishment of an EU

common list of safe countries of origin and ***an EU common list for safe third countries should address some of the existing divergences between Member States' national lists of safe countries. While Member States should retain the right to apply or introduce legislation that allows for the national designation of third countries other than those designated as safe third countries at Union level or appearing on the EU common list as safe countries of origin, the establishment of such common designation or list should ensure*** that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on the common list ***or who have a connection with a safe third country. This should facilitate convergence in the application of procedures and thereby also deter secondary movements of applicants for international protection.*** For that reason, the possibility of using national lists or designations should come to an end within a period of ***five*** years from entry into force of this Regulation.

common list of safe countries of origin and ***the definitive abolition of*** national lists of safe countries of origin ***shall guarantee*** that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on the common list ***and is bound to lead to the full convergence of asylum procedures in the EU if the procedural stages and time limits are harmonised, particularly for accelerated procedures.*** For that reason, the possibility of using national lists or designations should come to an end within a period of ***three*** years from entry into force of this Regulation.

Or. it

Amendment 23

Proposal for a regulation Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) During the transitional period, Member States must ensure that the national lists of safe countries of origin and the common EU lists are mutually consistent. A country suspended or deleted from the EU common list must not be considered a safe country of origin at national level.

Or. it

Amendment 24

Proposal for a regulation Recital 48 b (new)

Text proposed by the Commission

Amendment

(48b) The Commission should periodically examine the situation in third countries and the possibility of proposing safe countries of origin to be added to the EU common list, on the basis of a range of information sources at its disposal, in particular, EEAS reports and information provided by the Member States, the European Union Agency for Asylum, the UNHCR, the Council of Europe and other competent international organisations, and national or international non-governmental organisations. If appropriate, the Commission should then draw up a proposal to expand the EU common list of safe countries of origin. The European Parliament and the Council must also have the opportunity to ask the Commission to present proposals to include a country in the EU common list of safe countries of origin and to suspend and/or delete a country from that list.

Or. it

Amendment 25

Proposal for a regulation Recital 48 c (new)

Text proposed by the Commission

Amendment

(48c) In view of the harmonisation of national lists of safe countries of origin, during the transitional three-year period from the date of entry into force of this Regulation, the Member States may send

the Commission proposals to add particular countries to the common list of safe countries of origin. The Commission shall examine the proposals within six months of their submission, on the basis of a range of information sources at its disposal, in particular, EEAS reports and information provided by the Member States, the European Union Agency for Asylum, the UNHCR, the Council of Europe and other relevant international organisations, and national or international non-governmental organisations. If a third country may be added to the list, the Commission shall submit a proposal to enlarge the EU common list of safe countries of origin.

Or. it

Amendment 26

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) For the purpose of this substantiated assessment, the Commission should take into consideration a range of sources of information at its disposal including in particular, its Annual Progress Reports for third countries designated as candidate countries by the European Council, regular reports from the European External Action Service and the information from Member States, the European Union Agency for Asylum, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international organisations. The Commission should be able to extend the suspension of the designation of a third country as a safe third country at Union level or the presence of a third country from the EU common list of safe country of origin for a period of six months, with a

Amendment

(50) For the purpose of this substantiated assessment, the Commission should take into consideration a range of sources of information at its disposal including in particular, its Annual Progress Reports for third countries designated as candidate countries by the European Council, regular reports from the European External Action Service and the information from Member States, the European Union Agency for Asylum, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international **governmental and non-governmental** organisations. The Commission should be able to extend the suspension of the designation of a third country as a safe third country at Union level or the presence of a third country from the EU common list of safe country

possibility to renew that extension once. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

of origin for a period of six months, with a possibility to renew that extension once. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. it

Amendment 27

Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) When the period of validity of the delegated act and its extensions expires, without a new delegated act being adopted, the designation of the third country *as safe third country at Union level or from* the EU common list of safe countries of origin should *no longer be suspended. This shall be without prejudice to any proposed amendment for the removal of the third country from the lists.*

Amendment

(51) When the period of validity of the delegated act and its extensions expires, without a new delegated act being adopted, the *suspension of the* designation of the third country *in* the EU common list of safe countries of origin should *be cancelled. To add the relevant third country back into the common EU list of safe countries of origin, the Commission shall adopt a delegated act.*

Or. it

Amendment 28

Proposal for a regulation

Recital 52

Text proposed by the Commission

(52) The Commission, with the assistance of the European Union Agency for Asylum, should regularly review the situation in third countries that have been

Amendment

(52) The Commission, with the assistance of the European Union Agency for Asylum, should regularly review the situation in third countries that have been

removed from the EU common list of safe countries of origin *or safe third countries*, including where a Member State notifies the Commission that it considers, based on a substantiated assessment, that, following changes in the situation of that third country, it fulfils again the conditions set out in this Regulation for being designated as safe. In such a case, Member States could only designate that third country as a safe country of origin *or a safe third country* at the national level as long as the Commission does not raise objections to that designation. Where the Commission considers that these conditions are fulfilled, it may propose an amendment to the *designation of safe third countries at Union level or to the* EU common list of safe countries of origin so as to add the third country.

removed from the EU common list of safe countries of origin, including where a Member State notifies the Commission that it considers, based on a substantiated assessment, that, following changes in the situation of that third country, it fulfils again the conditions set out in this Regulation for being designated as safe. In such a case, Member States could only designate that third country as a safe country of origin at the national level as long as the Commission does not raise objections to that designation. Where the Commission considers that these conditions are fulfilled, it may propose an amendment to the EU common list of safe countries of origin so as to add the third country.

Or. it

Amendment 29

Proposal for a regulation

Recital 53

Text proposed by the Commission

*(53) As regards safe countries of origin, following the conclusions of the Justice and Home Affairs Council of 20 July 2015, at which Member States agreed that priority should be given to an assessment by all Member States of the safety of the Western Balkans, the European Union Agency for Asylum organised an expert-level meeting with the Member States on 2 September 2015, where a broad consensus was reached that Albania, Bosnia and Herzegovina, Kosovo*³⁰, the former Yugoslav Republic of Macedonia, Montenegro and Serbia should be considered as safe countries of origin within the meaning of this Regulation.*

Amendment

deleted

*³⁰ *This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.*

Or. it

Amendment 30

Proposal for a regulation Recital 62

Text proposed by the Commission

Amendment

(62) As regards Turkey, the legal basis for protection against persecution and mistreatment is adequately provided by substantive and procedural human rights and anti-discrimination legislation, including membership of all major international human rights treaties. In 2014, the European Court of Human Rights found violations in 94 out of 2 899 applications. There are no indications of any incidents of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country. In 2014, Member States considered that 23,1 % (310) of asylum applications of citizens of Turkey were well-founded. One Member State has designated Turkey as a safe country of origin. Turkey has been designated as a candidate country by the European Council and negotiations have been

deleted

opened. At the time, the assessment was that Turkey sufficiently meets fulfilled the political criteria established by the Copenhagen European Council of 21-22 June 1993 relating to stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, and Turkey will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.

Or. it

Amendment 31

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) With respect to the withdrawal of refugee or subsidiary protection status, ***and in particular in view of the regular status review to be carried out on the basis of Regulation (EU) No XXX/XXX (Qualification Regulation)***, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and that they are given the opportunity to submit their point of view, within a reasonable time, by means of a written statement and in a personal interview, before the authorities can take a reasoned decision to withdraw their status.

Amendment

(63) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and that they are given the opportunity to submit their point of view, within a reasonable time, by means of a written statement and in a personal interview, before the authorities can take a reasoned decision to withdraw their status.

Or. it

Amendment 32

Proposal for a regulation

Recital 65

Text proposed by the Commission

(65) For an applicant to be able to exercise his or her right to an effective remedy, he or she should be allowed to remain on the territory of a Member State until the time-limit for lodging a first level of appeal expires, and when such a right is exercised within the set time-limit, pending the outcome of the remedy. ***It is only in limited cases set out in this Regulation that the suspensive effect of an appeal is not automatic and where the applicant would need to request the court or tribunal to stay the execution of a return decision or the court would act of its own motion to this effect. Where an exception is made to the right to a remedy with automatic suspensive effect, the applicant's rights of defence should be adequately guaranteed by providing him or her with the necessary interpretation and legal assistance, as well as by allowing sufficient time for the applicant to prepare and submit his or her request to the court or tribunal. Furthermore, in this framework, the court or tribunal should be able to examine the decision refusing to grant international protection in terms of fact and law. The applicant should be allowed to remain on the territory pending the outcome of the procedure to rule on whether or not he or she may remain. However, that decision should be taken within one month.***

Amendment

(65) For an applicant to be able to exercise his or her right to an effective remedy, he or she should be allowed to remain on the territory of a Member State until the time-limit for lodging a first level of appeal expires, and when such a right is exercised within the set time-limit, pending the outcome of the remedy.

Or. it

Amendment 33

**Proposal for a regulation
Article 2 – paragraph 2**

Text proposed by the Commission

2. This Regulation does not apply to

Amendment

deleted

applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.

Or. it

Amendment 34

Proposal for a regulation Article 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Member States may also decide to apply this Regulation to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States in third countries.

Or. it

Amendment 35

Proposal for a regulation Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘stateless person’ means a person who is not considered as a citizen by any State under the operation of its law;

Or. it

Justification

The rapporteur seeks to plug a legislative gap in EU law, as it does not contain a definition of ‘stateless person’. The definition proposed by the rapporteur is extrapolated from Article 1(1) of the 1954 United Nations Convention relating to the Status of Stateless Persons.

Amendment 36

Proposal for a regulation

Article 4 – paragraph 2 – point e

Text proposed by the Commission

(e) 'determining authority' means any ***quasi-judicial*** or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance;

Amendment

(e) 'determining authority' means any ***judicial*** or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance;

Or. it

Amendment 37

Proposal for a regulation

Article 4 – paragraph 2 – point i

Text proposed by the Commission

(i) 'subsequent application' means a further application for international protection made in any Member State after a final decision has been taken ***on a previous application including cases where the application has been rejected as explicitly withdrawn or as abandoned following its implicit withdrawal;***

Amendment

(i) 'subsequent application' means a further application for international protection made in any Member State after a final decision has been taken ***and based on the same elements that have already been evaluated in the previous application and in the event of an application having been*** explicitly withdrawn;

Or. it

Amendment 38

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) ***receiving, registering and*** examining applications for international protection;

Amendment

(a) examining applications for international protection;

Amendment 39**Proposal for a regulation
Article 5 – paragraph 2***Text proposed by the Commission*

2. Each Member State shall provide the **determining authority** with appropriate means, including sufficient competent personnel to carry out its tasks in accordance with this Regulation. For that purpose, each Member State shall regularly assess the needs of the determining authority to ensure that it is always in a position to deal with applications for international protection in an effective manner, particularly when receiving a disproportionate number of simultaneous applications.

Amendment

2. Each Member State shall provide the **responsible authorities** with appropriate means, including sufficient competent personnel to carry out its tasks in accordance with this Regulation. For that purpose, each Member State shall regularly assess the needs of the determining authority to ensure that it is always in a position to deal with applications for international protection in an effective manner, particularly when receiving a disproportionate number of simultaneous applications.

Or. it

Amendment 40**Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part***Text proposed by the Commission*

The following authorities shall have the task of receiving and registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection:

Amendment

The following authorities shall have the task of receiving and registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection. ***Under no circumstances shall these authorities have the power to decide on the merits of an application for international protection:***

Or. it

Amendment 41

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) immigration authorities;

Amendment

(c) **governmental** immigration authorities;

Or. it

Amendment 42

Proposal for a regulation

Article 5 – paragraph 4 – introductory part

Text proposed by the Commission

4. The **determining authority** of the Member State responsible may be assisted for the purpose of receiving, registering and examining applications for international protection by:

Amendment

4. The **responsible authorities** of the Member State responsible may be assisted for the purpose of receiving, registering and examining applications for international protection by:

Or. it

Amendment 43

Proposal for a regulation

Article 5 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) experts from independent national and international associations registered in an appropriate register kept by the relevant Member State.

Or. it

Amendment 44

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that the personnel of the *determining authority, or of any other authority responsible for receiving and registering applications for international protection in accordance with paragraph 3, have the appropriate knowledge and are provided with the necessary training* and instructions to fulfil their obligations when applying this Regulation.

Amendment

5. Member States shall ensure that the personnel of the *authorities responsible in accordance with paragraphs 1 and 2 have the appropriate knowledge and have received the necessary training under Article 7(4) of Regulation (EU) XXX/XXX (EU Asylum Agency Regulation)* and instructions to fulfil their obligations when applying this Regulation.

Or. it

Amendment 45

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. The authorities *applying this Regulation* shall safeguard the confidentiality of any information they obtain in the course of their work.

Amendment

1. The authorities *with responsibility under Article 5* shall safeguard the confidentiality of any information they obtain in the course of their work.

Or. it

Amendment 46

Proposal for a regulation

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) obtain any information from the alleged actors of persecution or serious harm *in a manner that would result in such actors being directly informed of the fact that an application has been made by*

Amendment

(b) obtain any information from the alleged actor(s) of persecution or serious harm.

the applicant in question, and would jeopardise the physical integrity of the applicant or his or her dependants, or the liberty and security of his or her family members still living in the country of origin.

Or. it

Amendment 47

Proposal for a regulation Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) providing the data referred to in points (a) and (b) of the *second* paragraph of Article 27(1);

Amendment

(a) providing the data referred to in points (a) and (b) of the *first* paragraph of Article 27(1);

Or. it

Amendment 48

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. Where an applicant refuses to cooperate by not providing the details *necessary for the examination of the application* and by not providing his or her fingerprints and facial image, and the responsible authorities have properly informed that person of his or her obligations and has ensured that that person has had an effective opportunity to comply with those obligations, his or her application *shall* be rejected as abandoned in accordance with the procedure referred to in Article 39.

Amendment

3. Where an applicant refuses to cooperate by not providing the details *referred to in the points (a) and (b) of the first paragraph of Article 27(1)*, and by not providing his or her fingerprints and facial image, and the responsible authorities have properly informed that person of his or her obligations *and the consequences deriving from those obligations* and has ensured that that person has had an effective opportunity to comply with those obligations, his or her application *may* be rejected as abandoned in accordance with the procedure referred to in Article 39. *Any use of force in collecting fingerprints or facial images*

shall be prohibited and penalised.

Or. it

Justification

The application of paragraph 3 must not be automatic but legitimate, necessary, adequate and proportionate within the meaning of Articles 7, 8, 18 and 19 of the Charter of Fundamental Rights of the European Union.

Amendment 49

**Proposal for a regulation
Article 7 – paragraph 4**

Text proposed by the Commission

4. The applicant shall inform the **determining** authority of the Member State in which he or she is required to be present of his or her place of residence or address or a telephone number where he or she may be reached by the **determining** authority **or other responsible authorities**. He or she shall notify that determining authority of any changes. The applicant shall accept any communication at the most recent place of residence or address which he or she indicated accordingly, in particular when he or she lodges an application in accordance with Article 28.

Amendment

4. The applicant shall inform the **relevant** authority of the Member State in which he or she is required to be present of his or her place of residence or address or a telephone number **and an email address** where he or she may be reached by the **responsible** authority. He or she shall notify that determining authority of any changes. The applicant shall accept any communication at the most recent place of residence or address which he or she indicated accordingly, in particular when he or she lodges an application in accordance with Article 28.

Or. it

Amendment 50

**Proposal for a regulation
Article 7 – paragraph 7**

Text proposed by the Commission

7. Where it is necessary for the examination of an application, the applicant may be required by the **responsible** authorities to be searched or have his or her items searched. Without

Amendment

7. Where it is necessary for the examination of an application, the applicant may be required by the **determining** authorities to be searched or have his or her items searched. Without

prejudice to any search carried out for security reasons, a search of the applicant's person under this Regulation shall be carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity.

prejudice to any search carried out for security reasons, a search of the applicant's person under this Regulation shall be carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity.

Or. it

Amendment 51

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

The **determining** authority shall inform applicants, in a language which they understand **or are reasonably meant to understand**, of the following:

Amendment

The **responsible** authority shall inform applicants, in a language which they understand, **in a concise and easily accessible manner, using clear and simple language**, of the following:

Or. it

Justification

The rapporteur considers that access to information, its accuracy and the need for asylum seekers to understand the information provided to them are key and fundamental elements of the rights of asylum seekers under international humanitarian law (see Rahimi v. Greece case).

Amendment 52

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) their rights and obligations during the procedure, including the **obligation to remain in the territory of the Member State in which they are required to be present** in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation);

Amendment

(c) their rights and obligations during the procedure, including the **possibility of being reunited with family members present in other Member States** in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation);

Justification

The rapporteur believes that the reference to the obligation to remain in the territory of the Member State responsible under the Dublin Regulation is not necessary in this article, as it is redundant and already included among the obligations of which applicants must be informed. However, the right to be informed about the right to family reunification is not included in the rights of which applicants are to be informed under this Regulation.

Amendment 53**Proposal for a regulation****Article 8 – paragraph 2 – subparagraph 1 – point e a (new)***Text proposed by the Commission**Amendment*

(ea) the right to avail themselves of sponsorship, at the State's expense, at all stages and levels of the procedure;

Or. it

Amendment 54**Proposal for a regulation****Article 8 – paragraph 2 – subparagraph 1 – point h***Text proposed by the Commission**Amendment*

(h) the outcome of the decision of the determining authority, the reasons for that decision, as well as the consequence of a decision refusing to grant international protection and the manner in which to challenge such a decision.

(h) the outcome of the decision of the determining authority, the reasons for that decision ***and all the elements taken into consideration for the purposes of the decision***, as well as the consequence of a decision refusing to grant international protection and the manner in which to challenge such a decision.

Or. it

Amendment 55

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The information referred to in the first paragraph shall be given in good time to enable the applicants to exercise the rights guaranteed in this Regulation and for them to adequately comply with the obligations set out in Article 7.

Amendment

The information referred to in the first paragraph, ***points (a) to (g)***, shall be given ***at the point at which the application for international protection is registered, and in any event prior to the personal interview referred to in Articles 10 and 11, and*** in good time to enable the applicants to exercise the rights guaranteed in this Regulation and for them to adequately comply with the obligations set out in Article 7.

Or. it

Amendment 56

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where possible and necessary, the determining authority shall make available to the applicant the assistance of a cultural mediator to assist him or her during the procedure and, in particular, during the person interview.

Or. it

Amendment 57

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The determining authority shall provide applicants with the opportunity to

4. The determining authority shall provide applicants with the opportunity to

communicate with United Nations High Commissioner for Refugees or with any other organisation providing legal advice or other counselling to applicants in accordance with national law.

communicate with United Nations High Commissioner for Refugees or with any other organisation providing legal advice or other counselling to applicants in accordance with national law. ***This shall also be done when applicants are in detention facilities or at border crossing points.***

Or. it

Amendment 58

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. The determining authority shall ensure that applicants and, where applicable, their guardians, legal advisers or other counsellors have access to the information referred to in Article 33(2)(e) required for the examination of applications and to the information provided by the experts referred to in Article 33(3), where the determining authority has taken that information into consideration for the purpose of taking a decision on their application.

Amendment

5. The determining authority shall ensure that applicants and, where applicable, their guardians, legal advisers or other counsellors have access to the information referred to in Article 33(2)(b), (c) and (e) required for the examination of applications and to the information provided by the experts referred to in Article 33(3), where the determining authority has taken that information into consideration for the purpose of taking a decision on their application.

Or. it

Amendment 59

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. The determining authority shall ***give*** applicants ***notice*** within ***a reasonable time*** of the decision taken on their application. Where a guardian, legal adviser or other counsellor is legally

Amendment

6. The determining authority shall ***notify*** applicants within ***five working days*** of the decision taken on their application. Where a guardian, legal adviser or other counsellor is legally representing the

representing the applicant, the determining authority *may give notice of the decision to him or her instead of to the applicant.*

applicant, the determining authority *shall also notify him or her of the decision.*

Or. it

Amendment 60

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. The right to remain shall *not* constitute an entitlement to a residence permit *and it shall not give* the applicant the right to travel to the territory of other Member States without authorisation as referred to in Article 6 of Directive XXX/XXX/EU (Reception Conditions Directive).

Amendment

2. The right to remain shall constitute an entitlement to a *temporary* residence permit *in order to make an asylum application. During the examination of his/her application* the applicant *shall not have* the right to travel to the territory of other Member States without authorisation as referred to in Article 6 of Directive XXX/XXX/EU (Reception Conditions Directive).

Or. it

Amendment 61

Proposal for a regulation Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

3. The responsible authorities of *Member States* may revoke the applicant's right to remain on their territory during administrative procedure where:

Amendment

3. The responsible authorities of *the Member State responsible* may revoke the applicant's right to remain on their territory during administrative procedure where:

Or. it

Amendment 62

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. A Member State may extradite an applicant to a third country pursuant to paragraph 3(b) only where the determining authority is satisfied that an extradition decision will not result in direct or indirect refoulement in breach of the international and Union obligations of that Member State.

Amendment

4. A Member State may extradite ***or expel*** an applicant to a third country pursuant to paragraph 3(b) only where the determining authority is satisfied that an extradition decision ***or an expulsion order*** will not result in direct or indirect refoulement in breach of the international and Union obligations of that Member State.

Or. it

Amendment 63

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. In the admissibility interview, the applicant shall be given an opportunity to provide ***adequate*** reasons as to why the admissibility grounds provided for in Article 36(1) would not be applicable to his or her particular circumstances.

Amendment

2. In the admissibility interview, the applicant shall be given an opportunity to provide reasons as to why the admissibility grounds provided for in Article 36(1) would not be applicable to his or her particular circumstances.

Or. it

Amendment 64

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be given the opportunity of

Amendment

1. Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be given the opportunity of

a substantive interview on his or her application.

a substantive interview on his or her application. ***The interview may be conducted at the same time as the admissibility interview.***

Or. it

Amendment 65

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. In the substantive interview, the applicant shall be given ***an adequate*** opportunity to present the elements needed to substantiate his or her application in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation), and he or she shall provide all the elements at his or her disposal as completely as possible. The applicant shall be given the opportunity to provide an explanation regarding elements which may be missing or any inconsistencies or contradictions in the applicant's statements.

Amendment

2. In the substantive interview, the applicant shall be given ***the*** opportunity to present the elements needed to substantiate his or her application in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation), and he or she shall provide all the elements at his or her disposal as completely as possible. The applicant shall be given the opportunity to provide an explanation regarding elements which may be missing or any inconsistencies or contradictions in the applicant's statements.

Or. it

Amendment 66

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. ***A person who conducts the substantive interview of an application shall not wear a military or law enforcement uniform.***

Amendment

deleted

Or. it

Justification

The rapporteur has simply moved this point to Article 12, as the requirement must apply to all personal interviews, both the interview on admissibility and the substantive interview.

Amendment 67

Proposal for a regulation

Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The person who conducts the personal interview on admissibility and/or the substantive interview of an application shall not wear a military or law enforcement uniform.

Or. it

Amendment 68

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

Amendment

4. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice for the determining authority to conduct timely personal interviews of each applicant, the determining authority may be assisted by the personnel of authorities of other Member States referred to in Article 5(4)(a) and experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b), to conduct such interviews.

deleted

Or. it

Justification

The rapporteur believes that it is redundant to mention here the possibility of the determining authority being assisted by the personnel of authorities of other Member States referred to in Article 5(4)(a), and experts deployed by the European Union Agency for Asylum, as that possibility is already given to the responsible authority in Article 5(4) of this Regulation.

Amendment 69

Proposal for a regulation Article 12 – paragraph 6

Text proposed by the Commission

6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Personnel interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past.

Amendment

6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including ***the general conditions in the country of origin***, the applicant's cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Personnel interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past.

Or. it

Amendment 70

Proposal for a regulation Article 12 – paragraph 8 – subparagraph 1

Text proposed by the Commission

An interpreter who *is* able to ensure appropriate communication between the applicant and the person conducting the interview shall be provided for the personal interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which

Amendment

An interpreter ***and a cultural mediator, if necessary and where possible, who are*** able to ensure appropriate communication between the applicant and the person conducting the interview shall be provided for the personal interview. ***Interpreters and mediators must have already received specific training as referred to in Article 7(5) of Regulation (EU) XXX/XXX***

he or she is able to communicate clearly.

***(EU Asylum Agency Regulation)
including the elements listed in paragraph 6 of this Article.*** The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly. ***Where requested by the applicant, the determining authority shall ensure that the interviewers, interpreters and mediators are of the same sex as the applicant provided that this is possible and the determining authority does not have reasons to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner.***

Or. it

Amendment 71

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. The determining authority or any other authority or experts assisting it or conducting the personal interview shall make a ***thorough and factual*** report containing all substantive elements ***or a transcript*** of every personal interview.

Amendment

1. The determining authority or any other authority or experts assisting it or conducting the personal interview shall make a report containing all substantive elements of every personal interview.

Or. it

Amendment 72

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The personal interview shall be recorded using audio or audio-visual means of recording. The applicant shall be informed in advance of such recording.

Amendment

2. The personal interview shall be recorded using audio or audio-visual means of recording. The applicant shall be informed in advance of such recording ***and of the use that will be made of it. Particular attention shall be paid to the requirements of applicants in need of special procedural guarantees.***

Or. it

Amendment 73

**Proposal for a regulation
Article 13 – paragraph 3**

Text proposed by the Commission

3. The applicant shall be given the opportunity to make comments or provide clarification orally or in writing with regard to any incorrect translations or misunderstandings appearing in the report ***or in the transcript***, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, the applicant shall be informed of the entire content of the report ***or of the substantive elements of the transcript***, with the assistance of an interpreter, where necessary. The applicant shall then be requested to confirm that the content of the report ***or the transcript*** correctly reflects the personal interview.

Amendment

3. The applicant shall be given the opportunity to make comments or provide clarification orally or in writing with regard to any incorrect translations or misunderstandings appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, the applicant shall be informed of the entire content of the report, with the assistance of an interpreter, where necessary. The applicant shall then be requested to confirm that the content of the report correctly reflects the personal interview ***and shall be given the opportunity to add to and correct it, and to check that the additions and/or corrections have been made to the report of the interview.***

Or. it

Amendment 74

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Where an applicant refuses to confirm that the content of the report *or the transcript* correctly reflects the personal interview, the reasons for his or her refusal shall be entered in the applicant's file. That refusal shall not prevent the determining authority from taking a decision on the application.

Amendment

4. Where an applicant refuses to confirm that the content of the report correctly reflects the personal interview, the reasons for his or her refusal shall be entered in the applicant's file. That refusal shall not prevent the determining authority from taking a decision on the application.

Or. it

Amendment 75

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. Applicants and their legal advisers or other counsellors shall have access to the report *or the transcript* and the recording before the determining authority takes a decision.

Amendment

5. Applicants and their legal advisers or other counsellors shall have access to the report and the recording before the determining authority takes a decision, *including where the application is examined in accordance with the accelerated examination procedure.*

Or. it

Amendment 76

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

6. *Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report*

Amendment

deleted

or the transcript of the recording at the same time as the decision is made.

Or. it

Amendment 77

Proposal for a regulation Article 13 – paragraph 7

Text proposed by the Commission

7. The responsible authorities shall store *either* the recording *or the transcript* for ten years from the date of a final decision. The recording shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

Amendment

7. The responsible authorities shall store the recording for ten years from the date of a final decision. The recording shall be erased upon expiry of that period or where it is related to a person who has acquired citizenship of any Member State before expiry of that period as soon as the Member State becomes aware that the person concerned has acquired such citizenship.

Or. it

Amendment 78

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. Applicants shall have the right to consult, in an effective manner, a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their applications at all stages of the procedure.

Amendment

1. Applicants shall have the right to consult, in an effective manner, a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their applications at all stages of the procedure, *and as soon as the wish to obtain international protection has been declared.*

Or. it

Amendment 79

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall, at the request of the applicant, provide free legal assistance and representation in the administrative procedure provided for in Chapter III and in the appeal procedure provided for in Chapter V.

Amendment

1. Member States shall, at the request of the applicant, provide free legal assistance and representation in the administrative procedure provided for in Chapter III and in the appeal procedure provided for in Chapter V, ***as soon as possible after the wish to obtain international protection has been declared and, in any event, within two days of that declaration.***

Or. it

Amendment 80

Proposal for a regulation Article 15 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance in the preparation of the application and personal interview, ***including*** participation in the personal interview ***as necessary***;

Amendment

(b) assistance in the preparation of the application and personal interview ***and*** participation in the personal interview;

Or. it

Amendment 81

Proposal for a regulation Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) ***the application is considered as not having any tangible prospect of success;***

Amendment

deleted

Or. it

Amendment 82

Proposal for a regulation

Article 15 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the appeal is considered as not having any tangible prospect of success;* ***deleted***

Or. it

Amendment 83

Proposal for a regulation

Article 15 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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

Or. it

Amendment 84

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may request total or partial reimbursement of any costs made ***if and when the applicant's financial situation considerably improves or*** where

4. Member States may request total or partial reimbursement of any costs made where the decision to make such costs was taken on the basis of false information

the decision to make such costs was taken on the basis of false information supplied by the applicant.

supplied by the applicant.

Or. it

Amendment 85

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. Where applicants have been identified as applicants in need of special procedural guarantees, they shall be provided with adequate support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection.

Amendment

2. Where applicants have been identified as applicants in need of special procedural guarantees, they shall be provided with adequate support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection, ***including by making a cultural mediator available to them, where necessary and possible.***

Or. it

Amendment 86

Proposal for a regulation Article 22 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The responsible authorities shall not place a guardian in charge of a disproportionate number of unaccompanied minors at the same time, which would render him or her unable to perform his or her tasks effectively.

Amendment

The responsible authorities shall not place a guardian in charge of a disproportionate number of unaccompanied minors, ***and in any event no more than 20***, at the same time, which would render him or her unable to perform his or her tasks effectively.

Or. it

Amendment 87

Proposal for a regulation Article 24 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Where, following statements by the applicant, with documentary evidence available or other relevant indications, there are doubts as to whether or not an unaccompanied minor is under the age of 18, the determining authorities may order a psychosocial assessment to be carried out by qualified professionals to determine the applicant's age within the framework of the examination of an application.

The age evaluation must not be based solely on the applicant's physical appearance or behaviour.

Or. it

Amendment 88

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Medical examinations may be used to determine the age of unaccompanied minors within the framework of the examination of an application ***where, following statements by the applicant or other relevant indications including a psychosocial assessment, there are doubts as to whether or not the applicant is under the age of 18.*** Where the result of the medical examination is not conclusive, or includes an age-range below 18 years, Member States shall assume that the applicant is a minor.

1. ***Where there are still doubts as to their age following the procedure referred to in paragraph 1,*** medical examinations may be used to determine the age of unaccompanied minors within the framework of the examination of an application. ***Medical examinations shall be carried out as a last resort.*** Where the result of the medical examination is not conclusive, or includes an age-range below 18 years, Member States shall assume that the applicant is a minor.

Or. it

Amendment 89

Proposal for a regulation Article 24 – paragraph 4

Text proposed by the Commission

4. Where medical examinations are used to determine the age of unaccompanied minors, the determining authority shall ensure that unaccompanied minors are informed, prior to the examination of their application for international protection, and in a language that they understand ***or are reasonably meant to understand***, of the possibility that their age be determined by medical examination. This shall include information on the method of examination and possible consequences which the result of the medical examination may have for the examination of the application, as well as on the possibility and consequences of a refusal on the part of the unaccompanied minor, or of his or her guardian, to undergo the medical examination.

Amendment

4. Where medical examinations are used to determine the age of unaccompanied minors, the determining authority shall ensure that unaccompanied minors are informed, prior to the examination of their application for international protection, and in a language that they understand, of the possibility that their age be determined by medical examination. This shall include information on the method of examination and possible consequences which the result of the medical examination may have for the examination of the application, as well as on the possibility and consequences of a refusal on the part of the unaccompanied minor, or of his or her guardian, to undergo the medical examination. ***All documents relating to the medical examination shall be included in the applicant's file.***

Or. it

Amendment 90

Proposal for a regulation Article 24 – paragraph 5

Text proposed by the Commission

5. The refusal by the unaccompanied minors or their guardians to carry out the medical examination may only be considered as a rebuttable presumption that the applicant is not a minor and it ***shall not prevent the determining authority from taking a decision on the*** application for international protection.

Amendment

5. The refusal by the unaccompanied minors or their guardians to carry out the medical examination may only be considered as a rebuttable presumption that the applicant is not a minor and it ***must not be the sole reason for rejecting an*** application for international protection.

Amendment 91

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

An application for international protection shall be made when a third-country national or stateless person expresses a wish for international protection to officials of the *determining authority or other* authorities referred to in Article 5(3) *or* (4).

Amendment

An application for international protection shall be made when a third-country national or stateless person expresses a wish for international protection to officials of the *responsible* authorities referred to in Article 5.

Or. it

Amendment 92

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice to register applications within three working days from when the application is made, the authorities of the Member State may extend that time-limit to *ten* working days.

Amendment

3. Where simultaneous applications for international protection by a disproportionate number of third-country nationals or stateless persons make it difficult in practice to register applications within three working days from when the application is made, the authorities of the Member State may extend that time-limit to *seven* working days.

Or. it

Amendment 93

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. The applicant shall lodge the application within **ten** working days from the date when the application is registered provided that he or she is given an effective opportunity to do so within that time-limit.

Amendment

1. The applicant shall lodge the application within **15** working days from the date when the application is registered provided that he or she is given an effective opportunity to do so within that time-limit.

Or. it

Amendment 94

Proposal for a regulation

Article 28 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The authority responsible for receiving and registering applications for international protection shall inform the applicant that after the decision is taken on the application he or she may bring forward only new elements which are relevant for the examination of his or her application **and which he or she could not have been aware of at an earlier stage** or which relate to changes to his or her situation.

Amendment

The authority responsible for receiving and registering applications for international protection shall inform the applicant that after the decision is taken on the application he or she may bring forward only new elements which are relevant for the examination of his or her application or which relate to changes to his or her situation.

Or. it

Amendment 95

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. **Where there are indications that** third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, **may need international protection, the responsible**

Amendment

1. **The responsible authorities shall inform** third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, of the possibility to apply for international

authorities shall inform them of the possibility to apply for international protection, in particular, where:

protection, in particular, where:

Or. it

Amendment 96

Proposal for a regulation Article 30 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) it is likely that the person is in need of special procedural guarantees in accordance with Articles 19 and 20;

Or. it

Amendment 97

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. The responsible authorities shall make the necessary arrangements for interpretation services to be available to facilitate access to the procedure for international protection.

2. The responsible authorities shall make the necessary arrangements for interpretation services ***and, where necessary and possible, cultural mediation services*** to be available to facilitate access to the procedure for international protection.

Or. it

Amendment 98

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. Where an applicant does not lodge an application on behalf of his or her spouse or partner as referred to in paragraph 1 within the **ten** working days referred to in Article 28(1), the spouse or partner shall be given an opportunity to lodge his or her application in his or her own name within another **ten** working-day period starting from the expiry of the first **ten** working-day period. Where the spouse or partner still does not lodge his or her application within these further **ten** working days, the application shall be rejected as abandoned in accordance with the procedure laid down in Article 39.

Amendment

3. Where an applicant does not lodge an application on behalf of his or her spouse or partner as referred to in paragraph 1 within the **15** working days referred to in Article 28(1), the spouse or partner shall be given an opportunity to lodge his or her application in his or her own name within another **15** working-day period starting from the expiry of the first **15** working-day period. Where the spouse or partner still does not lodge his or her application within these further **15** working days, the application shall be rejected as abandoned in accordance with the procedure laid down in Article 39.

Or. it

Amendment 99

Proposal for a regulation
Article 31 – paragraph 4

Text proposed by the Commission

4. Where an applicant does not lodge an application on behalf of his or her dependent adult as referred to in paragraph 1 within the **ten** working days referred to in Article 28(1), the **determining** authority shall lodge an application on behalf of that dependent adult if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the dependent adult may need international protection.

Amendment

4. Where an applicant does not lodge an application on behalf of his or her dependent adult as referred to in paragraph 1 within the **15** working days referred to in Article 28(1), the authority **with responsibility under Article 5** shall lodge an application on behalf of that dependent adult if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the dependent adult may need international protection.

Or. it

Amendment 100

Proposal for a regulation Article 31 – paragraph 9

Text proposed by the Commission

9. Where the adult responsible for the accompanied minor does not lodge an application on behalf of the minor within the **ten** working days provided for in Article 28(1), the minor shall be informed of the possibility to lodge his or her application in his or her own name and given an opportunity to do so within a further **ten** working-day period starting from the expiry of the first **ten** working-day period if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned. Where the minor does not lodge his or her application in his or her own name within these further **ten** working days, the application ***shall be rejected as abandoned in accordance with the procedure referred to in Article 39.***

Amendment

9. Where the adult responsible for the accompanied minor does not lodge an application on behalf of the minor within the **15** working days provided for in Article 28(1), the minor shall be informed of the possibility to lodge his or her application in his or her own name and given an opportunity to do so within a further **15** working-day period starting from the expiry of the first **15** working-day period if he or she has the legal capacity to act in procedures according to the national law of the Member State concerned. Where the minor does not lodge his or her application in his or her own name within these further **15** working days, the ***authority with responsibility under Article 5 shall lodge an application on behalf of the minor if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the minor may need international protection.***

Or. it

Amendment 101

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. In the case of an unaccompanied minor, the **ten** working-day period for the lodging the application provided for in Article 28(1) shall only start to run from the moment a guardian of the unaccompanied minor is appointed and has met with him or her. Where his or her guardian does not lodge an application on

Amendment

2. In the case of an unaccompanied minor, the **15** working-day period for the lodging the application provided for in Article 28(1) shall only start to run from the moment a guardian of the unaccompanied minor is appointed and has met with him or her. Where his or her guardian does not lodge an application on

behalf of the unaccompanied minor within those **ten** working days, the **determining** authority shall lodge an application on behalf of the unaccompanied minor if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the minor may need international protection.

behalf of the unaccompanied minor within those **15** working days, the authority **with responsibility under Article 5** shall lodge an application on behalf of the unaccompanied minor if, on the basis of an individual assessment of his or her personal situation, it is of the opinion that the minor may need international protection.

Or. it

Amendment 102

Proposal for a regulation Article 33 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) whether the activities that the applicant was engaged in since leaving the country of origin were carried out by the applicant for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm if returned to that country;

deleted

Or. it

Amendment 103

Proposal for a regulation Article 33 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) whether the applicant could reasonably be expected to avail himself or herself of the protection of another country where he or she could assert citizenship.

deleted

Or. it

Amendment 104

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. The personnel examining applications and taking decisions shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law. They shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious and child-related or gender issues. Where necessary, they may submit queries to the European Union Agency for Asylum in accordance with Article 9(2)(b) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).

Amendment

3. The personnel examining applications and taking decisions shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law **and shall have completed the necessary training under Regulation (EU) XXX/XXX (EU Asylum Agency Regulation)**. They shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious and child-related or gender issues. Where necessary, they may submit queries to the European Union Agency for Asylum in accordance with Article 9(2)(b) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).

Or. it

Amendment 105

Proposal for a regulation Article 33 – paragraph 5 – introductory part

Text proposed by the Commission

5. An examination of an application for international protection may be prioritised in accordance with the basic principles and guarantees of Chapter II, in particular, where:

Amendment

5. An examination of an application for international protection may be prioritised in accordance with the basic principles and guarantees of Chapter II, in particular, where **the applicant has special reception needs within the meaning of Article 20 of Directive XXX/XXX/EU (Reception Conditions Directive), or is in need of special procedural guarantees as referred to in Articles 19 to 22 of this Regulation.**

Amendment 106

Proposal for a regulation
Article 33 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) *the application is likely to be well-founded;* ***deleted***

Or. it

Amendment 107

Proposal for a regulation
Article 33 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) *the applicant has special reception needs within the meaning of Article 20 of Directive XXX/XXX/EU (Reception Conditions Directive), or is in need of special procedural guarantees, in particular where he or she is an unaccompanied minor.* ***deleted***

Or. it

Amendment 108

Proposal for a regulation
Article 34 – paragraph 5

Text proposed by the Commission

Amendment

5. *The determining authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time-limits laid down in paragraph 2 and in Article 40(4) as regards the accelerated* ***deleted***

examination procedure due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the determining authority shall:

(a) conduct reviews of the situation in that country of origin at least every two months;

(b) inform the applicants concerned within a reasonable time of the reasons for the postponement.

The Member State shall inform the Commission and the European Union Agency for Asylum within a reasonable time of the postponement of procedures for that country of origin. In any event, the determining authority shall conclude the examination procedure within 15 months from the lodging of an application.

Or. it

Amendment 109

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands *or is reasonably meant to understand*.

Amendment

1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands.

Or. it

Amendment 110

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status or subsidiary protection status, as explicitly withdrawn or as abandoned, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a decision refusing to grant international protection shall be given in writing, ***unless otherwise already provided to the applicant.***

Amendment

2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status or subsidiary protection status, as explicitly withdrawn or as abandoned, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a decision refusing to grant international protection, ***and the relevant deadlines,*** shall be given in writing.

Or. it

Amendment 111

**Proposal for a regulation
Article 36 – paragraph 1 – point a**

Text proposed by the Commission

(a) a country which is not a Member State is considered to be a first country of asylum for the applicant pursuant to Article 44, unless it is clear that the applicant will not be admitted or readmitted to that country;

Amendment

deleted

Or. it

Amendment 112

**Proposal for a regulation
Article 36 – paragraph 1 – point b**

Text proposed by the Commission

(b) a country which is not a Member State is considered to be a safe third country for the applicant pursuant to Article 45, unless it is clear that the applicant will not be admitted or readmitted to that country;

Amendment

deleted

Amendment 113

Proposal for a regulation Article 36 – paragraph 3

Text proposed by the Commission

Amendment

3. *Paragraph 1(a) and (b) shall not apply to a beneficiary of subsidiary protection who has been resettled under an expedited procedure in accordance with Regulation (EU) No XXX/XXX (Resettlement Regulation)*³⁷.

deleted

³⁷ OJ L [...], [...], p. [...].

Amendment 114

Proposal for a regulation Article 36 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the determining authority prima facie considers that an application may be rejected as manifestly unfounded, it shall not be obliged to pronounce itself on the admissibility of the application.

5. Where the determining authority prima facie considers that an application may be ***approved as manifestly well-founded in within the meaning of Article 40(1)(-a) of this Regulation and/or*** rejected as manifestly unfounded, it shall not be obliged to pronounce itself on the admissibility of the application.

Amendment 115

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

3. The determining authority **shall** declare an unfounded application to be manifestly unfounded in the cases referred to in Article **40(1)(a), (b), (c), (d) and (e)**.

Amendment

3. The determining authority **may** declare an unfounded application to be manifestly unfounded in the cases referred to in Article **40(1)(b)**.

Or. it

Amendment 116

Proposal for a regulation

Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

1. The determining authority **shall** reject an application as abandoned where:

Amendment

1. The determining authority **may** reject an application as abandoned where:

Or. it

Amendment 117

Proposal for a regulation

Article 39 – paragraph 1 – point a

Text proposed by the Commission

(a) the applicant has not lodged his or her application in accordance with Article 28, despite having had an effective opportunity to do so;

Amendment

(a) (Does not affect the English version.)

Or. it

Amendment 118

Proposal for a regulation

Article 39 – paragraph 1 – point c

Text proposed by the Commission

(c) the applicant refuses to cooperate

Amendment

(c) the applicant refuses to cooperate

by not providing the *necessary details for the application to be examined* and by not providing his or her fingerprints and facial image pursuant to Article 7(3);

by not providing the *information referred to in points (a) and (b) of the first paragraph of Article 27(1)*, and by not providing his or her fingerprints and facial image pursuant to Article 7(3);

Or. it

Amendment 119

Proposal for a regulation

Article 39 – paragraph 1 – point d

Text proposed by the Commission

(d) the applicant has not appeared for a personal interview although he was required to do so pursuant to Articles 10 to 12;

Amendment

(d) (Does not affect the English version.)

Or. it

Amendment 120

Proposal for a regulation

Article 39 – paragraph 1 – point e

Text proposed by the Commission

(e) the applicant has abandoned his place of residence, without informing the competent authorities or without authorisation as provided for in Article 7(4);

Amendment

(e) (Does not affect the English version.)

Or. it

Amendment 121

Proposal for a regulation

Article 39 – paragraph 1 – point f

Text proposed by the Commission

(f) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with Article 7(6).

Amendment

(f) (Does not affect the English version.)

Or. it

Amendment 122

**Proposal for a regulation
Article 39 – paragraph 2**

Text proposed by the Commission

2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application **will** be definitely rejected as abandoned unless the applicant reports to the determining authority within a period of one month from the date when the written notice is sent.

Amendment

2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application **may** be definitely rejected as abandoned unless the applicant reports to the determining authority within a period of one month from the date when the written notice is sent.

Or. it

Amendment 123

**Proposal for a regulation
Article 39 – paragraph 3**

Text proposed by the Commission

3. Where the applicant reports to the determining authority within that one-month period and **demonstrates that his or her failure was due to circumstances beyond his or her control**, the determining

Amendment

3. Where the applicant reports to the determining authority within that one-month period and **requests that the procedure be resumed**, the determining authority shall resume the examination of

authority shall resume the examination of the application.

the application. *If the provisions in paragraph 1 are subsequently once again not complied with, the application shall be definitively rejected.*

Or. it

Amendment 124

Proposal for a regulation Article 39 – paragraph 4

Text proposed by the Commission

4. Where the applicant does not report to the determining authority within this one-month period ***and does not demonstrate that his or her failure was due to circumstances beyond his or her control***, the determining authority shall consider that the application has been implicitly withdrawn.

Amendment

4. Where the applicant does not report to the determining authority within this one-month period, the determining authority shall consider that the application has been implicitly withdrawn.

Or. it

Amendment 125

Proposal for a regulation Article 39 – paragraph 5

Text proposed by the Commission

5. ***Where an application is implicitly withdrawn, the determining authority shall take a decision to reject the application as abandoned or as unfounded where the determining authority has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).***

Amendment

deleted

Or. it

Justification

Removing this paragraph ensures consistency with the proposed amendment to Article 42(3).

Amendment 126

Proposal for a regulation

Article 40 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) *the application is likely to be well-founded;*

Or. it

Amendment 127

Proposal for a regulation

Article 40 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the applicant has made clearly inconsistent and contradictory, clearly false ***or obviously improbable*** representations which contradict sufficiently verified country of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation);

(b) the applicant has made clearly inconsistent and contradictory ***or*** clearly false representations which contradict sufficiently verified country of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation);

Or. it

Amendment 128

Proposal for a regulation

Article 40 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the applicant has misled the authorities by presenting false information

(c) the applicant has misled the authorities by presenting false information

or documents or by withholding *relevant information or* documents with respect to his or her identity or nationality that could have had a negative impact on the decision;

or documents or by withholding documents with respect to his or her identity or nationality that could have had a negative impact on the decision;

Or. it

Amendment 129

Proposal for a regulation Article 40 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the applicant is making an application merely to delay or frustrate the enforcement of an earlier or imminent decision resulting in his or her removal from the territory of a Member State;

deleted

Or. it

Amendment 130

Proposal for a regulation Article 40 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) the applicant does not comply with the obligations set out in Article 4(1) and Article 20(3) of Regulation (EU) No XXX/XXX (Dublin Regulation), unless he or she demonstrates that his or her failure was due to circumstances beyond his or her control;

deleted

Or. it

Amendment 131

Proposal for a regulation Article 40 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) the application is a subsequent application, where the application is so clearly without substance or abusive that it has no tangible prospect of success.

deleted

Or. it

Amendment 132

Proposal for a regulation

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The determining authority may, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in cases where:

(a) a third country is considered to be a first country of asylum for the applicant pursuant to Article 44, unless it is clear that the applicant will not be admitted or readmitted to that country;

(b) a third country is considered to be a safe third country for the applicant pursuant to Article 45, unless it is clear that the applicant will not be admitted or readmitted to that country;

Or. it

Justification

The rapporteur believes that the application of the concepts of ‘safe third country’ and ‘first country of asylum’ should not give rise to an admissibility procedure, as such a procedure would preclude the individual examination of the merits of an application for international protection. Moreover, the rapporteur does not believe it advisable to make their application mandatory within the framework of European asylum law. On the basis of those considerations, the rapporteur proposes that the Member States should have the option to apply the concepts, and above all believes it wrong to preclude the examination of the merits

of individual applications for international protection, triggering the accelerated procedure, not the admissibility procedure.

Amendment 133

Proposal for a regulation

Article 40 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Paragraph 1a shall not apply to a beneficiary of subsidiary protection who has been resettled under an expedited procedure in accordance with Regulation (EU) No XXX/XXX (Resettlement Regulation).

Or. it

Amendment 134

Proposal for a regulation

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. The determining authority shall conclude the accelerated examination procedure within two months from the lodging of the application. ***By way of exception, in the cases set out in paragraph (1)(d), the determining authority shall conclude the accelerated examination procedure within eight working days.***

2. The determining authority shall conclude the accelerated examination procedure within two months from the lodging of the application.

Or. it

Amendment 135

Proposal for a regulation

Article 40 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where the determining authority does not succeed in concluding the accelerated examination procedure within the period laid down in paragraph 2, the application shall be examined in accordance with the other provisions of this Regulation.*

Or. it

Amendment 136

Proposal for a regulation Article 40 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) *the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;*

(a) *the application is likely to be well-founded;*

Or. it

Amendment 137

Proposal for a regulation Article 41 – paragraph 4

Text proposed by the Commission

Amendment

4. In the event of arrivals involving a disproportionate number of third-country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, making it difficult in practice to apply the provisions of paragraph 1 at such locations, the border procedure may also be applied at locations in proximity to the border or transit zone.

4. In the event of arrivals involving a disproportionate number of third-country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, making it difficult in practice to apply the provisions of paragraph 1 at such locations, the border procedure may also be applied at locations in proximity to the border or transit zone. ***The deadlines set out in paragraph 2 shall apply in these circumstances too.***

Amendment 138

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The border procedure may be applied to *unaccompanied* minors, *in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:*

The border procedure may *not* be applied to minors.

Or. it

Amendment 139

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;*

deleted

Or. it

Amendment 140

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) *the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under*

deleted

national law;

Or. it

Amendment 141

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *there are reasonable grounds to consider that a third country is a safe third country for the applicant in accordance with the conditions of Article 45;* *deleted*

Or. it

Amendment 142

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision.* *deleted*

Or. it

Amendment 143

Proposal for a regulation

Article 41 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant elements which would likely lead to a decision refusing to grant international protection and provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.

deleted

Or. it

Amendment 144

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. A subsequent application shall be subject to a preliminary examination in which the determining authority shall establish whether relevant new elements or findings have arisen or have been presented by the applicant ***which significantly increase the likelihood of the applicant qualifying as a beneficiary of international protection by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation) or which relate to the reasons for which the previous application was rejected as inadmissible.***

2. A subsequent application shall be subject to a preliminary examination in which the determining authority shall establish whether relevant new elements or findings, ***or elements or findings which relate to the reasons for which the previous application was rejected as inadmissible,*** have arisen or have been presented by the applicant.

Or. it

Amendment 145

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings ***or that it is clearly without substance and has no tangible prospect of success.***

Amendment

3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings.

Or. it

Justification

Explicit and implicit withdrawal cannot be considered instances of subsequent applications, as a genuine examination of the merits of the case has never taken place.

Amendment 146

Proposal for a regulation

Article 42 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The application of the second sentence of paragraph 3 shall not adversely affect an adequate and complete examination of the application, and shall not apply when an application has been rejected following explicit or implicit withdrawal of the application within the meaning of Articles 38 and 39.

Or. it

Justification

Explicit and implicit withdrawal cannot be considered instances of subsequent applications, as a genuine examination of the merits of the case has never taken place.

Amendment 147

Proposal for a regulation Article 42 – paragraph 4 – point b

Text proposed by the Commission

(b) the applicant was unable, through no fault on his or her own part, to present those elements or findings during the procedure in the context of the earlier application, ***unless it is considered unreasonable not to take those elements or findings into account.***

Amendment

(b) the applicant was unable, through no fault on his or her own part, to present those elements or findings during the procedure in the context of the earlier application.

Or. it

Amendment 148

Proposal for a regulation Article 42 – paragraph 5

Text proposed by the Commission

5. Where the conditions for initiating a new procedure as set out in paragraph 4 are not met, the determining authority shall reject the application as inadmissible, ***or as manifestly unfounded where the application is so clearly without substance or abusive that it has no tangible prospect of success.***

Amendment

5. Where the conditions for initiating a new procedure as set out in paragraph 4 are not met, the determining authority shall reject the application as inadmissible.

Or. it

Amendment 149

Proposal for a regulation Article 43

Text proposed by the Commission

Article 43

Exception from the right to remain in subsequent applications

Amendment

deleted

Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory and derogate from Article 54(1), where:

(a) a subsequent application has been rejected by the determining authority as inadmissible or manifestly unfounded;

(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.

Or. it

Amendment 150

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. A third country *shall* be considered to be a first country of asylum for a particular applicant provided that:

Amendment

1. A third country *may* be considered to be a first country of asylum for a particular applicant provided that:

Or. it

Amendment 151

Proposal for a regulation

Article 44 – paragraph 4

Text proposed by the Commission

4. *As regards unaccompanied minors*, the concept of first country of asylum may *only* be applied *where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in*

Amendment

4. The concept of first country of asylum may *not* be applied *to unaccompanied minors*.

charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.

Or. it

Amendment 152

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

A third country *shall* be designated as a safe third country provided that:

A third country *may* be designated as a safe third country provided that:

Or. it

Amendment 153

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) the possibility exists to receive protection in accordance with *the substantive standards of* the Geneva Convention *or sufficient protection as referred to in Article 44(2), as appropriate.*

(e) the possibility exists to *request international protection and, if recognised as a refugee, to* receive protection in accordance with the Geneva Convention *without any geographical restriction.*

Or. it

Amendment 154

Proposal for a regulation

Article 45 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The concept of safe third country

2. *A Member State may apply the*

shall be applied:

concept of safe third country *when the third country has been designated as a safe third country in accordance with Article 50.*

Or. it

Amendment 155

Proposal for a regulation Article 45 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) where a third country has been designated as safe third country in accordance with Article 50; **deleted**

Or. it

Amendment 156

Proposal for a regulation Article 45 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) where a third country is designated as a safe third country at Union level; or **deleted**

Or. it

Amendment 157

Proposal for a regulation Article 45 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) in individual cases in relation to a specific applicant. **deleted**

Or. it

Amendment 158

Proposal for a regulation

Article 45 – paragraph 3 – point a

Text proposed by the Commission

(a) there is a connection between the applicant and the third country in question on the basis of which it would be reasonable for that person to go to that country, ***including because the applicant has transited through that third country which is geographically close to the country of origin of the applicant;***

Amendment

(a) there is a connection between the applicant and the third country in question on the basis of which it would be reasonable for that person to go to that country;

Or. it

Amendment 159

Proposal for a regulation

Article 45 – paragraph 5

Text proposed by the Commission

5. ***As regards unaccompanied minors***, the concept of safe third country may ***only*** be applied ***where there is a connection between the applicant and the third country in question on the basis of which it would be reasonable for that person to go to that country where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e).***

Amendment

5. The concept of safe third country may ***not*** be applied ***to unaccompanied minors.***

Or. it

Amendment 160

Proposal for a regulation

Article 45 – paragraph 6 – point a

Text proposed by the Commission

(a) inform the applicant accordingly;
and

Amendment

(a) inform the applicant accordingly *in writing*; and

Or. it

Amendment 161

Proposal for a regulation

Article 46

Text proposed by the Commission

Article 46

*Designation of safe third countries at
Union level*

- 1. Third countries shall be designated as safe third countries at Union level, in accordance with the conditions laid down in Article 45(1).*
- 2. The Commission shall regularly review the situation in third countries that are designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).*
- 3. The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.*

Amendment

deleted

Or. it

Justification

This article must be deleted because the scope of the concept of safe third country needs to be adjusted, making its application optional. On this point, the rapporteur does not believe it is necessary to draw up an EU list of safe third countries. In any event, the article in question says nothing about the procedure for adopting that common list.

Amendment 162

Proposal for a regulation Article 47 – paragraph 2

Text proposed by the Commission

2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe as well as other relevant organisations, and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).

Amendment

2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe as well as other relevant ***governmental and non-governmental*** organisations, and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).

Or. it

Amendment 163

Proposal for a regulation Article 47 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The European Parliament and/or the Council may invite the Commission to present a proposal for the inclusion of a country in the EU common list of safe countries of origin.

Amendment 164

Proposal for a regulation Article 48 – paragraph 2

Text proposed by the Commission

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article 45(2).

Amendment

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin ***or which have been suspended from the list pursuant to Article 49***, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article 47(2). ***It shall keep the European Parliament properly informed, in a timely manner.***

Or. it

Amendment 165

Proposal for a regulation Article 49 – title

Text proposed by the Commission

Suspension and removal ***of the designation of a third country as a safe third country at Union level or*** from the EU common list of safe country of origin

Amendment

Suspension and removal from the EU common list of safe ***countries*** of origin

Or. it

Amendment 166

Proposal for a regulation Article 49 – paragraph 1

Text proposed by the Commission

1. In case of sudden changes in the situation of a third country which *is designated as a safe third country at Union level or which* is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in **Article 45 or Article 47** and, if the Commission considers that those conditions are no longer met, it shall adopt a delegated act suspending *the designation of a third country as a safe third country at Union level or suspending* the presence of a third country from the EU common list of safe countries of origin for a period of six months.

Amendment

1. In case of sudden changes in the situation of a third country which is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Article 47 and, if the Commission considers that those conditions are no longer met, it shall adopt a delegated act suspending the presence of a third country from the EU common list of safe countries of origin for a period of six months. *As soon as possible and, in any event, before it adopts the delegated act, the Commission shall inform the Member States accordingly and shall recommend to them that they should not apply the concept of country of safe origin at national level to that third country.*

Or. it

Amendment 167

**Proposal for a regulation
Article 49 – paragraph 2**

Text proposed by the Commission

2. The Commission shall continuously review the situation in that third country taking into account *inter alia information provided by the Member States regarding subsequent changes in the situation of that country.*

Amendment

2. The Commission shall continuously review the situation in that third country taking into account *the sources of information referred to in Article 47(2).*

Or. it

Amendment 168

**Proposal for a regulation
Article 49 – paragraph 3**

Text proposed by the Commission

3. Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country ***as a safe third country at Union level or suspending the presence of a third country*** from the EU common list of safe countries of origin, it shall within three months after the date of adoption of that delegated act submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove ***that*** third country ***from the designation of safe third countries at Union level or*** from the EU common list of safe countries of origin.

Amendment

3. Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country from the EU common list of safe countries of origin, it shall within three months after the date of adoption of that delegated act submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove ***the*** third country from the EU common list of safe countries of origin.

Or. it

Amendment 169

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission

4. ***Where such a proposal is not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 1, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect.*** Where such a proposal is submitted by the Commission within three months, the Commission shall ***be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.***

Amendment

4. ***Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.*** Where such a proposal is ***not*** submitted by the Commission within three months, the Commission shall ***adopt a delegated act to re-add the relevant third country to the common EU list of safe countries of origin.***

Or. it

Amendment 170

Proposal for a regulation

Article 49 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The European Parliament and/or the Council may invite the Commission to present a proposal for the suspension and/or exclusion of a country from the EU common list of safe countries of origin.*

Or. it

Amendment 171

Proposal for a regulation

Article 50 – title

Text proposed by the Commission

Amendment

Designation of *third countries as safe third countries or safe country* of origin at *national* level

Designation of safe *countries* of origin at *Union* level

Or. it

Amendment 172

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

Amendment

1. For a period of *five* years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of *safe third countries or* safe countries of origin other than those designated at Union level or which are on the EU common list in Annex 1 for the purposes of examining

1. For a period of *three* years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe countries of origin other than those designated at Union level or which are on the EU common list in Annex 1 for the purposes of examining applications for

applications for international protection.

international protection.

Or. it

Amendment 173

Proposal for a regulation Article 50 – paragraph 2

Text proposed by the Commission

2. Where ***a third country is suspended from being designated as a safe third country at Union level or*** the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not designate that country as ***a safe third country or*** a safe third country of origin at national level ***nor shall they apply the safe third country concept on an ad hoc basis in relation to a specific applicant.***

Amendment

2. Where the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not designate that country as a safe third country of origin at national level.

Or. it

Amendment 174

Proposal for a regulation Article 50 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where ***a third country is no longer designated as a safe third country at Union level or*** a third country has been removed from the EU common list in Annexe ***I*** to the Regulation in accordance with the ordinary legislative procedure, a Member State may notify the Commission that it considers that, following changes in the situation of that country, it again fulfils the conditions set out in ***Article 45(1) and*** Article 47.

Amendment

Where a third country has been removed from the EU common list in Annexe ***I*** to the Regulation in accordance with the ordinary legislative procedure, a Member State may notify the Commission that it considers that, following changes in the situation of that country, it again fulfils the conditions set out in Article 47.

Amendment 175

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The notification shall include a substantiated assessment of the fulfilment by that country of the conditions set out in **Article 45(1) and** Article 47 including an explanation of the specific changes in the situation of the third country, which make the country fulfil those conditions again.

Amendment

The notification shall include a substantiated assessment of the fulfilment by that country of the conditions set out in Article 47 including an explanation of the specific changes in the situation of the third country, which make the country fulfil those conditions again.

Or. it

Amendment 176

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The notifying Member State may only designate that third country as ***a safe third country or as*** a safe country of origin at national level provided that the Commission does not object to that designation.

Amendment

The notifying Member State may only designate that third country as a safe country of origin at national level provided that the Commission does not object to that designation.

Or. it

Amendment 177

Proposal for a regulation

Article 50 – paragraph 4

Text proposed by the Commission

4. Member States shall notify the Commission and the European Union

Amendment

4. Member States shall notify the Commission and the European Union

Agency for Asylum of the third countries that are designated as *safe third countries* or safe countries of origin at national level immediately after such designation. Member States shall inform the Commission and the Agency once a year of the other safe third countries to which the concept is applied on an ad hoc basis in relation to specific applicants.

Agency for Asylum of the third countries that are designated as safe countries of origin at national level immediately after such designation. Member States shall inform the Commission and the Agency once a year of the other safe third countries to which the concept is applied on an ad hoc basis in relation to specific applicants.

Or. it

Amendment 178

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

Text proposed by the Commission

The applicant may *only* bring forward new elements which are relevant for the examination of his or her application *and which he or she could not have been aware of at an earlier stage or which relate to changes to his or her situation.*

Amendment

The applicant may bring forward new elements which are relevant for the examination of his or her application.

Or. it

Amendment 179

Proposal for a regulation Article 53 – paragraph 6 – subparagraph 1 – point a

Text proposed by the Commission

(a) within *one week* in the case of a decision rejecting *a subsequent* application as inadmissible or manifestly unfounded;

Amendment

(a) within *two weeks* in the case of a decision rejecting *an* application as inadmissible or *in the case of a decision rejecting an application as explicitly withdrawn or as abandoned, or in the case of a decision rejecting an application as unfounded or* manifestly unfounded *in relation to refugee or subsidiary protection status following an accelerated examination procedure or border*

procedure or while the applicant is held in detention;

Or. it

Amendment 180

Proposal for a regulation

Article 53 – paragraph 6 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) within two weeks in the case of a decision rejecting an application as inadmissible or in the case of a decision rejecting an application as explicitly withdrawn or as abandoned, or in the case of a decision rejecting an application as unfounded or manifestly unfounded in relation to refugee or subsidiary protection status following an accelerated examination procedure or border procedure or while the applicant is held in detention;

deleted

Or. it

Amendment 181

Proposal for a regulation

Article 53 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Member States may extend the time-limits laid down in this paragraph if the specific circumstances of the application make it necessary.

Or. it

Amendment 182

Proposal for a regulation

Article 53 – paragraph 6 – subparagraph 2

Text proposed by the Commission

For the purposes of point *(b)*, Member States may provide for an ex officio review of decisions taken pursuant to a border procedure.

Amendment

For the purposes of point *(a)*, Member States may provide for an ex officio review of decisions taken pursuant to a border procedure.

Or. it

Amendment 183

Proposal for a regulation

Article 53 – paragraph 6 – subparagraph 3

Text proposed by the Commission

The time-limits provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant *or from the moment the legal adviser or counsellor is appointed if the applicant has introduced a request for free legal assistance and representation.*

Amendment

The time-limits provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant. *If the applicant has requested free legal assistance and representation in accordance with Article 15, the time-limits shall start to run from the date on which the legal adviser or counsellor is appointed.*

Or. it

Amendment 184

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

2. *A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible, either upon the applicant's request or acting ex officio,*

Amendment

deleted

where the applicant's right to remain in the Member State is terminated as a consequence of any of the following categories of decisions:

(a) a decision which considers an application to be manifestly unfounded or rejects the application as unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or border procedure;

(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a) and (c);

(c) a decision which rejects an application as explicitly withdrawn or abandoned in accordance with Article 38 or Article 39, respectively.

Or. it

Amendment 185

Proposal for a regulation Article 54 – paragraph 3

Text proposed by the Commission

Amendment

3. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible provided that:

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(a) the applicant has the necessary interpretation, legal assistance and sufficient time to prepare the request and submit to the court or tribunal the arguments in favour of granting him or her the right to remain on the territory pending the outcome of the remedy; and

(b) in the framework of the examination of a request to remain on the territory of the Member State responsible, the court or tribunal examines the decision refusing to grant international

protection in terms of fact and law.

Or. it

Amendment 186

Proposal for a regulation Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall allow the applicant to remain on their territory pending the outcome of the procedure to rule on whether or not the applicant may remain on the territory. That decision shall be taken within one month from the lodging of the appeal.

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Or. it

Amendment 187

Proposal for a regulation Article 54 – paragraph 5

Text proposed by the Commission

Amendment

5. An applicant who lodges a further appeal against a first or subsequent appeal decision shall not have a right to remain on the territory of the Member State unless a court or tribunal decides otherwise upon the applicant's request or acting ex officio. That decision shall be taken within one month from the lodging of that further appeal.

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Or. it