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Committee on Civil Liberties, Justice and Home Affairs

2016/0224(COD)

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AMENDMENTS
419 - 760

Draft report
Laura Ferrara
(PE597.506v01-00)

Common procedure for international protection in the Union

Proposal for a regulation
(COM(2016)0467 – C8-0321/2016 – 2016/0224(COD))

AM_Com_LegReport

Amendment 419
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Recital 61

Text proposed by the Commission	*Amendment*
(61) As regards Serbia, the Constitution provides the basis for self-governance of minority groups in the areas of education, use of language, information and culture. 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 16 out of 11 490 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 1,8 % (400) of asylum applications of citizens from Serbia were well- founded. At least nine Member States have designated Serbia as a safe country of origin. Serbia has been designated as a candidate country by the European Council and negotiations have been opened. At the time of designation, the assessment was that Serbia fulfilled the criteria established by the	***deleted***

Copenhagen European Council of 21-22 June 1993 relating to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Serbia will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.

Or. en

Amendment 420
Marina Albiol Guzmán

Proposal for a regulation
Recital 61

Text proposed by the Commission	*Amendment*
(61) As regards Serbia, the Constitution provides the basis for self-governance of minority groups in the areas of education, use of language, information and culture. 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 16 out of 11 490 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	***deleted***

expulsion, removal or extradition to another third country. In 2014, Member States considered that 1,8 % (400) of asylum applications of citizens from Serbia were well- founded. At least nine Member States have designated Serbia as a safe country of origin. Serbia has been designated as a candidate country by the European Council and negotiations have been opened. At the time of designation, the assessment was that Serbia fulfilled the criteria established by the Copenhagen European Council of 21-22 June 1993 relating to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Serbia will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.

Or. en

Amendment 421
Emil Radev

Proposal for a regulation
Recital 61

Text proposed by the Commission	*Amendment*
(61) As regards Serbia, the Constitution provides the basis for self-governance of minority groups in the areas of education, use of language, information and culture. 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 16 out of 11 490 applications. There are no indications of any incidents of expulsion, removal or	(61) As regards Serbia, the Constitution provides the basis for self-governance of minority groups in the areas of education, use of language, information and culture. 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 16 out of 11 490 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 ***1,8*** % (400) of asylum applications of citizens from Serbia were well- founded. At least nine Member States have designated Serbia as a safe country of origin. Serbia has been designated as a candidate country by the European Council and negotiations have been opened. At the time of designation, the assessment was that Serbia fulfilled the criteria established by the Copenhagen European Council of 21-22 June 1993 relating to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Serbia will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.

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, 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 ***1.8*** % (400) of asylum applications of citizens from Serbia were well- founded. At least nine Member States have designated Serbia as a safe country of origin. Serbia has been designated as a candidate country by the European Council and negotiations have been opened. At the time of designation, the assessment was that Serbia fulfilled the criteria established by the Copenhagen European Council of 21-22 June 1993 relating to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Serbia will have to continue to fulfil those criteria, for becoming a member in line with the recommendations provided in the Annual Progress Report.

Or. bg

Amendment 422
Marina Albiol Guzmán

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	***deleted***

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 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. en

Amendment 423
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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 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	***deleted***

with the recommendations provided in the Annual Progress Report.

Or. en

Amendment 424
Emil Radev

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 opened. At the time, the assessment was that Turkey sufficiently ***meets*** fulfilled the political	(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, 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 opened. At the time, the assessment was that Turkey sufficiently fulfilled the political criteria established by the

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.	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. bg

Amendment 425
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Recital 63

Text proposed by the Commission	*Amendment*
(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.	***deleted***

Or. en

Amendment 426
Marina Albiol Guzmán

Proposal for a regulation
Recital 63

Text proposed by the Commission	*Amendment*
(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.	(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. ***The principle of non-refoulement should always be respected.***

Or. en

Amendment 427
Jussi Halla-aho

Proposal for a regulation
Recital 63

Text proposed by the Commission	*Amendment*
(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,	(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 ***regular and mandatory*** 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

before the authorities can take a reasoned decision to withdraw their status.

can take a reasoned decision to withdraw their status.

Or. en

Amendment 428
Beatrix von Storch

Proposal for a regulation
Recital 63

Text proposed by the Commission	*Amendment*
(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.	(63) With respect to the withdrawal of refugee 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.

Or. en

Amendment 429
Jussi Halla-aho

Proposal for a regulation
Recital 64

Text proposed by the Commission	*Amendment*
(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee	(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee

or subsidiary protection status should be subject to an effective remedy before a court or tribunal ***in compliance with all requirements and conditions laid down in Article 47 of the Charter***. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to ***free*** legal assistance and representation.	or subsidiary protection status should be subject to an effective remedy before a court or tribunal. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to legal assistance and representation.

Or. en

Amendment 430
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Recital 64

Text proposed by the Commission	*Amendment*
(64) Decisions taken on an application for international protection, including the decisions concerning the explicit ***or implicit withdrawal*** of an application, and the decisions on the withdrawal of refugee or subsidiary protection status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to free legal assistance and representation.	(64) Decisions taken on an application for international protection, including the decisions concerning the explicit ***withdrawal or discontinuation*** of an application, and the decisions on the withdrawal of refugee or subsidiary protection status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to free legal assistance and representation.

Or. en

Amendment 431
Beatrix von Storch

Proposal for a regulation
Recital 64

Text proposed by the Commission	*Amendment*
(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee ***or subsidiary protection*** status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to free legal assistance and representation.	(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to free legal assistance and representation.

Or. en

Amendment 432
Marina Albiol Guzmán

Proposal for a regulation
Recital 65

Text proposed by the Commission	*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	(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.***

of appeal expires, and when such a right is exercised within the set time-limit, pending the outcome of the remedy.

Or. en

Amendment 433
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Recital 65

Text proposed by the Commission	*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	(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.***

of appeal expires, and when such a right is exercised within the set time-limit, pending the outcome of the remedy.

Or. en

Amendment 434
Jussi Halla-aho

Proposal for a regulation
Recital 65

Text proposed by the Commission	*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	(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.

the outcome of the remedy. It is only in limited cases set out in this Regulation that the suspensive effect of an appeal is automatic ***.Nevertheless***, 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. 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.

Or. en

Amendment 435
Brice Hortefeux

Proposal for a regulation
Recital 65

Text proposed by the Commission	*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. It is only in limited cases set out in this ***Regulation*** that the suspensive effect of an appeal is not	(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 ***Directive*** 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.	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.

Or. fr

Amendment 436
Marina Albiol Guzmán

Proposal for a regulation
Recital 67

Text proposed by the Commission	*Amendment*
(67) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this ***Regulation*** does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order ***and the safeguarding of internal security***.	(67) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this ***Directive*** does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order.

Or. en

Amendment 437

Brice Hortefeux

Proposal for a regulation
Recital 67

Text proposed by the Commission	*Amendment*
(67) In accordance with Article 72 of the Treaty on the Functioning of the European Union***, this Regulation*** does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.	(67) In accordance with Article 72 of the Treaty on the Functioning of the European Union ***(TFEU), this Directive*** does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Or. fr

Amendment 438
Marina Albiol Guzmán

Proposal for a regulation
Recital 68

Text proposed by the Commission	*Amendment*
(68) Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [31] applies to the processing of personal data by the Member States carried out in application of this ***Regulation***.	(68) Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [31] applies to the processing of personal data by the Member States carried out in application of this ***Directive***.
[31] OJ L 119, 4.5.2016, p. 1.	[31] OJ L 119, 4.5.2016, p. 1.

Or. en

Amendment 439

Marina Albiol Guzmán

Proposal for a regulation
Recital 69

Text proposed by the Commission	*Amendment*
(69) Any processing of personal by the European Union Agency for Asylum within the framework of this ***Regulation*** should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council,[32] as well as Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation) [33] and it should, in particular, respect the principles of necessity and proportionality.	(69) Any processing of personal by the European Union Agency for Asylum within the framework of this ***Directive*** should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council,[32] as well as Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation) [33] and it should, in particular, respect the principles of necessity and proportionality.
_____	_____
[32] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).	[32] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).
[33] OJ L […], […], p. […].	[33] OJ L […], […], p. […].

Or. en

Amendment 440
Marina Albiol Guzmán

Proposal for a regulation
Recital 70

Text proposed by the Commission	*Amendment*
(70) Any personal data collected upon registration or lodging of an application for international protection and during the personal interview should be considered to be part of the applicant's file and it should be kept for a ***number of years since third-country nationals or stateless persons who***	(70) Any personal data collected upon registration or lodging of an application for international protection and during the personal interview should be considered to be part of the applicant's file and it should be kept for a ***maximum of two*** years after ***the final decision***.

request international protection in one Member State may try to request international protection in another Member State or may submit further subsequent applications in the same or another Member State for years ***to come. Given that most third-country nationals or stateless persons who have stayed in the Union for several years will have obtained a settled status or even citizenship of a Member State*** after ***a period of ten years from when they are granted international protection, that period should be considered a necessary period for the storage of personal details, including fingerprints and facial images***.

Or. en

Amendment 441
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Recital 70

Text proposed by the Commission	*Amendment*
(70) Any personal data collected upon registration or lodging of an application for international protection and during the personal interview should be considered to be part of the applicant's file and it should be kept for a number of years since third-country nationals or stateless persons who request international protection in one Member State may try to request international protection in another Member State or may submit further subsequent applications in the same or another Member State for years to come. Given that most third-country nationals or stateless persons who have stayed in the Union for several years will have obtained a settled status or even citizenship of a Member State after a period of ***ten*** years from when they are granted international	(70) Any personal data collected upon registration or lodging of an application for international protection and during the personal interview should be considered to be part of the applicant's file and it should be kept for a number of years since third-country nationals or stateless persons who request international protection in one Member State may try to request international protection in another Member State or may submit further subsequent applications in the same or another Member State for years to come. Given that most third-country nationals or stateless persons who have stayed in the Union for several years will have obtained a settled status or even citizenship of a Member State after a period of ***five*** years from when they are granted international

protection, that period should be considered a necessary period for the storage of personal details, including fingerprints and facial images.

protection, that period should be considered a necessary period for the storage of personal details, including fingerprints and facial images.

Or. en

Justification

This aligns the data retention period to five years which is the length that was chosen in the European Parliament position on Eurodac

Amendment 442
Jussi Halla-aho

Proposal for a regulation
Recital 71

Text proposed by the Commission	*Amendment*
(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information**,** documents to the applicants ***and measures concerning applicants in need of special procedural guarantees including minors***, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information ***and*** documents to the applicants, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.
[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of

implementing powers (OJ L 55, 28.2.2011, p. 13).	implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 443
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Recital 71

Text proposed by the Commission	*Amendment*
(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of ***special*** procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(71) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of ***specific*** procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.
[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

Aligns the terminology with the EP position on other CEAS instruments, notably the Reception Conditions Directive

Amendment 444
Marina Albiol Guzmán

Proposal for a regulation
Recital 71

Text proposed by the Commission	*Amendment*
(71) In order to ensure uniform conditions for the implementation of this ***Regulation***, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of special procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(71) In order to ensure uniform conditions for the implementation of this ***Directive***, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of special procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.
[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 445
Brice Hortefeux

Proposal for a regulation
Recital 71

Text proposed by the Commission	*Amendment*
(71) In order to ensure uniform conditions for the implementation of this ***Regulation***, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of special procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34]of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.	(71) In order to ensure uniform conditions for the implementation of this ***Directive***, in particular as regards the provision of information, documents to the applicants and measures concerning applicants in need of special procedural guarantees including minors, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[34] of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.
_____	_____
[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	[34] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. fr

Amendment 446
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Recital 72

Text proposed by the Commission	*Amendment*

(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this Regulation are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	***deleted***

Or. en

Amendment 447
Jussi Halla-aho

Proposal for a regulation
Recital 72

Text proposed by the Commission	*Amendment*

(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of ***six*** months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this Regulation are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of ***three*** months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this Regulation are no longer met***. The opposite, designating a country as a safe third country at Union level or adding a country into the EU common list of safe countries of origin, should also be made possible by delegating powers to the Commission***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. Or. en

Amendment 448
Marina Albiol Guzmán

Proposal for a regulation
Recital 72

Text proposed by the Commission	*Amendment*
(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this ***Regulation*** are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this ***Directive*** are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 449
Brice Hortefeux

Proposal for a regulation
Recital 72

Text proposed by the Commission	*Amendment*
(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this ***Regulation*** are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(72) In order to address sudden changes for the worse in a third country designated as a safe third country at Union level or included in the EU common list of safe countries of origin, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the designation of that third country as safe third country at Union level or the presence of that third country from the EU common list of safe countries of origin for a period of six months where the Commission considers, on the basis of a substantiated assessment, that the conditions set by this ***Directive*** are no longer met. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. fr

Amendment 450
Marina Albiol Guzmán

Proposal for a regulation
Recital 73

Text proposed by the Commission	*Amendment*

(73) This ***Regulation*** does not deal with procedures between Member States governed by Regulation (EU) No XXX/XXX (Dublin Regulation).	(73) This ***Directive*** does not deal with procedures between Member States governed by Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Amendment 451
Brice Hortefeux

Proposal for a regulation
Recital 73

Text proposed by the Commission	*Amendment*
(73) This ***Regulation*** does not deal with procedures between Member States governed by Regulation (EU) No XXX/XXX (Dublin Regulation).	(73) This ***Directive*** does not deal with procedures between Member States governed by Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. fr

Amendment 452
Marina Albiol Guzmán

Proposal for a regulation
Recital 74

Text proposed by the Commission	*Amendment*
(74) This ***Regulation*** should apply to applicants to whom Regulation (EU) No XXX/XXX (Dublin Regulation) applies, in addition and without prejudice to the provisions of that Regulation.	(74) This ***Directive*** should apply to applicants to whom Regulation (EU) No XXX/XXX (Dublin Regulation) applies, in addition and without prejudice to the provisions of that Regulation.

Or. en

Amendment 453
Brice Hortefeux

Proposal for a regulation

Recital 74

Text proposed by the Commission	*Amendment*
(74) This ***Regulation*** should apply to applicants to whom Regulation (EU) No XXX/XXX (Dublin Regulation) applies, in addition and without prejudice to the provisions of that Regulation.	(74) This ***Directive*** should apply to applicants to whom Regulation (EU) No XXX/XXX (Dublin Regulation) applies, in addition and without prejudice to the provisions of that Regulation.

Or. fr

Amendment 454
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 75

Text proposed by the Commission	*Amendment*
(75) The application of this Regulation should be evaluated at regular intervals.	(75) The application of this Regulation should be evaluated at regular intervals. ***in particular in relation to the application of Section III of this Regulation.***

Or. en

Justification

This amendment is intended to ensure the full implementation, in practice, of the provisions of this Regulation relating to the provision of free legal assistance to asylum applicants at all stages of the procedure.

Amendment 455
Marina Albiol Guzmán

Proposal for a regulation
Recital 75

Text proposed by the Commission	*Amendment*

(75) The application of this ***Regulation*** should be evaluated at regular intervals.

(75) The application of this ***Directive*** should be evaluated at regular intervals ***by relevant institutions, including the European Parliament***.

Or. en

Amendment 456
Brice Hortefeux

Proposal for a regulation
Recital 75

Text proposed by the Commission	*Amendment*
(75) The ***application*** of this ***Regulation*** should be evaluated at regular intervals.	(75) The ***implementation*** of this ***Directive*** should be evaluated at regular intervals.

Or. fr

Amendment 457
Marina Albiol Guzmán

Proposal for a regulation
Recital 76

Text proposed by the Commission	*Amendment*
(76) Since the objective of this Regulation, namely to establish a common procedure for granting and withdrawing international protection, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what	***deleted***

is necessary in order to achieve that objective.

Or. en

Amendment 458
Brice Hortefeux

Proposal for a regulation
Recital 76

Text proposed by the Commission	*Amendment*
(76) ***Since the objective of this Regulation, namely to establish a common procedure for granting and withdrawing international protection, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in*** accordance with the principle of ***subsidiarity*** as set out in Article 5 of the Treaty on European Union***. In accordance with the principle of proportionality, as set out in that Article, this Regulation*** does not go beyond what is necessary ***in order*** to achieve ***that objective***.	(76) ***In*** accordance with the principle of ***proportionality,*** as set out in Article 5 of the Treaty on European Union***, this Directive*** does not go beyond what is necessary to achieve ***its objectives***.

Or. fr

Amendment 459
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 1

Text proposed by the Commission	*Amendment*
[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed	[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed

to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this ***Regulation***]

to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this ***Directive***]

Or. en

Amendment 460
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 1

Text proposed by the Commission	*Amendment*
[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this ***Regulation***]	[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this ***Directive***]

Or. fr

Amendment 461
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 3

Text proposed by the Commission	*Amendment*
[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member	[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member

States are not taking part in the adoption of this ***Regulation*** and are not bound by it or subject to its application.]	States are not taking part in the adoption of this ***Directive*** and are not bound by it or subject to its application.]

Or. en

Amendment 462
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 3

Text proposed by the Commission	*Amendment*
[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this ***Regulation*** and are not bound by it or subject to its application.]	[In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this ***Directive*** and are not bound by it or subject to its application.]

Or. fr

Amendment 463
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 5

Text proposed by the Commission	*Amendment*
[(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United	[(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United

Kingdom is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.

Kingdom is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.

Or. en

Amendment 464
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 5

Text proposed by the Commission	*Amendment*
[(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.	In accordance with Articles 1 and 2 of Protocol ***(***No 21***)*** on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.

Or. fr

Amendment 465
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 6

Text proposed by the Commission	*Amendment*
(XX) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the	(XX) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by

adoption and application of this ***Regulation***.]	letter of ...,) its wish to take part in the adoption and application of this ***Directive***.]

Or. en

Amendment 466
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 6

Text proposed by the Commission	*Amendment*
(XX) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Regulation***.]	In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Directive***.]

Or. fr

Amendment 467
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 8

Text proposed by the Commission	*Amendment*
[(XX) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Regulation***.	[(XX) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Directive***.

Or. en

Amendment 468
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 8

Text proposed by the Commission	*Amendment*
[***(XX)*** In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Regulation***.	[In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...,) its wish to take part in the adoption and application of this ***Directive***.

Or. fr

Amendment 469
Marina Albiol Guzmán

Proposal for a regulation
Recital 77 – paragraph 9

Text proposed by the Commission	*Amendment*
(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.]	(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.]

Or. en

Amendment 470
Brice Hortefeux

Proposal for a regulation
Recital 77 – paragraph 9

Text proposed by the Commission	*Amendment*
(XX) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the ***area*** of ***freedom***, ***security*** and ***justice,*** annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.***]***	In accordance with Articles 1 and 2 of ***the*** Protocol ***(***No 21***)*** on the position of the United Kingdom and Ireland in respect of the ***Area*** of ***Freedom***, ***Security*** and ***Justice*** annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.

Or. fr

Amendment 471
Marina Albiol Guzmán

Proposal for a regulation
Recital 78

Text proposed by the Commission	*Amendment*
(78) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.	(78) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.

Or. en

Amendment 472
Brice Hortefeux

Proposal for a regulation
Recital 78

Text proposed by the Commission	*Amendment*
(78) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this ***Regulation*** and is not bound by it or subject to its application.	(78) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this ***Directive*** and is not bound by it or subject to its application.

Or. fr

Amendment 473
Brice Hortefeux

Proposal for a regulation
Recital 79

Text proposed by the Commission	*Amendment*
(79) This ***Regulation*** respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this ***Regulation*** seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 8, 18, 19, 21, 23, 24, and 47 of the Charter.	(79) This ***Directive*** respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this ***Directive*** seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 8, 18, 19, 21, 23, 24, and 47 of the Charter.

Or. fr

Amendment 474
Marina Albiol Guzmán

Proposal for a regulation
Recital 79

Text proposed by the Commission	*Amendment*
(79) This ***Regulation*** respects the fundamental rights and observes the principles recognised in particular by the	(79) This ***Directive*** respects the fundamental rights and observes the principles recognised in particular by the

Charter of Fundamental Rights of the European Union. In particular, this ***Regulation*** seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 8, 18, 19, 21, 23, 24, and 47 of the Charter.	Charter of Fundamental Rights of the European Union. In particular, this ***Directive*** seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 8, 18, 19, 21, 23, 24, and 47 of the Charter.

Or. en

Amendment 475
Marina Albiol Guzmán

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** establishes a common procedure for granting and withdrawing international protection referred to in Regulation (EU) No XXX/XXX (Qualification Regulation).	This ***Directive*** establishes a common procedure for granting and withdrawing international protection referred to in Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. en

Amendment 476
Brice Hortefeux

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** establishes a common procedure for granting and withdrawing international protection referred to in Regulation (EU) No XXX/XXX (Qualification Regulation).	This ***Directive*** establishes a common procedure for granting and withdrawing international protection referred to in Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. fr

Amendment 477

Jeroen Lenaers

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This Regulation applies to ***all*** applications for international protection made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.	1. This Regulation ***only*** applies to applications for international protection made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.

Or. en

Amendment 478
Brice Hortefeux

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This ***Regulation*** applies to all applications for international protection made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.	1. This ***Directive*** applies to all applications for international protection made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.

Or. fr

Amendment 479
Marina Albiol Guzmán

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission	*Amendment*
1. This ***Regulation*** applies to all applications for international protection	1. This ***Directive*** applies to all applications for international protection

made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.

made in the territory of the Member States, including at the external border, in the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection.

Or. en

Amendment 480
Sergei Stanishev

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission	*Amendment*
2. ***This Regulation does not*** apply to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.	2. ***Member States may*** 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. en

Justification

Member States should have the option to apply the provisions in this Regulation in third countries.Such possibility would provide persons seeking asylum with a safe and legal option for applying for international protection.

Amendment 481
Brice Hortefeux

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This ***Regulation*** does not apply to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This ***Directive*** does not apply to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.

Or. fr

Amendment 482
Marina Albiol Guzmán

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission	*Amendment*
2. This ***Regulation*** does not apply to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This ***Directive*** does not apply to applications for international protection and to requests for diplomatic or territorial asylum submitted to representations of Member States.

Or. en

Amendment 483
Marina Albiol Guzmán

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States may decide to apply this ***Regulation*** to applications for protection to which Regulation (EU) No XXX/XXX (Qualification Regulation) does not apply.	Member States may decide to apply this ***Directive*** to applications for protection to which Regulation (EU) No XXX/XXX (Qualification Regulation) does not apply.

Or. en

Amendment 484
Brice Hortefeux

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States may decide to apply this ***Regulation*** to applications for protection to	Member States may decide to apply this ***Directive*** to applications for protection to

which Regulation (EU) No XXX/XXX (Qualification Regulation) does not apply.	which Regulation (EU) No XXX/XXX (Qualification Regulation) does not apply.

Or. fr

Amendment 485
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission	*Amendment*
	Article 3 a
	More favourable provisions
	Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Regulation.

Or. en

Amendment 486
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. For the purposes of this ***Regulation***, the following definitions referred to in Article 2 of Regulation (EU) No XXX/XXX (Qualification Regulation) apply:	1. For the purposes of this ***Directive***, the following definitions referred to in Article 2 of Regulation (EU) No XXX/XXX (Qualification Regulation) apply:

Or. en

Amendment 487
Brice Hortefeux

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. For the purposes of this ***Regulation***, the following definitions referred to in Article 2 of Regulation (EU) No XXX/XXX (Qualification Regulation) apply:	1. For the purposes of this ***Directive***, the following definitions referred to in Article 2 of Regulation (EU) No XXX/XXX (Qualification Regulation) apply:

Or. fr

Amendment 488
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) beneficiary of subsidiary protection';	***deleted***

Or. en

Amendment 489
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) 'subsidiary protection status';	***deleted***

Or. en

Amendment 490

Sergei Stanishev

Proposal for a regulation
Article 4 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(f a) 'family members'

Or. en

Justification

Article 31 of the Commission's proposal is inconsistent with the definition of family members in the Dublin regulation, among others.The possibility for joint examination of applications should be broadened to all family members, which would streamline application procedures.

Amendment 491
Kinga Gál

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) 'application for international protection' or 'application' means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood as seeking refugee ***status or subsidiary protection*** status;	(a) ‘application for international protection’ or 'application' means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood as seeking refugee status;

Or. hu

Amendment 492
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) 'application for international protection' or 'application' means a request	(a) 'application for international protection' or 'application' means a request

made by a third-country national or a stateless person for protection from a Member State, who can be understood as seeking refugee status ***or subsidiary protection*** status;	made by a third-country national or a stateless person for protection from a Member State, who can be understood as seeking refugee status status;

Or. en

Amendment 493
Udo Voigt

Proposal for a regulation
Article 4 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) 'application for international protection' or 'application' means a request made by a third-country national ***or a stateless person for protection from a Member State***, who can be understood as seeking refugee status or subsidiary protection status;	(a) 'application for international protection' or 'application' means a request made by a third-country national, who can be understood as seeking refugee status or subsidiary protection status;

Or. de

Amendment 494
Udo Voigt

Proposal for a regulation
Article 4 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) 'applicant' means a third-country national ***or a stateless person*** who has made an application for international protection in respect of which a final decision has not yet been ***made***;	(b) ‘applicant’ means a third-country national who has made an application for international protection in respect of which a final decision has not yet been***taken***;

Or. de

Amendment 495
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(b a) 'registering' of an application for international protection means the recording of the personal details, including fingerprints and a facial image in accordance with [Article 10(1) of the Eurodac Regulation] of an applicant for international protection, which formalises the application for international protection;

Or. en

Amendment 496
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(b b) 'lodging' of an application for international protection means the submission of elements available to the applicant which substantiate the application for international protection in accordance with [Article 4(1) of the Qualification Regulation];

Or. en

Amendment 497
Ska Keller

on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances;	(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances ***or specific vulnerabilities***;

Or. en

Amendment 498
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) 'applicant in need of ***special*** procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances;	(c) 'applicant in need of ***specific*** procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Regulation is limited due to individual circumstances;

Or. en

Justification

Aligns the terminology with the EP position on other CEAS instruments, notably the Reception Conditions Directive

Amendment 499
Brice Hortefeux

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this ***Regulation*** is limited due to individual circumstances;	(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this ***Directive*** is limited due to individual circumstances;

Or. fr

Amendment 500
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this ***Regulation*** is limited due to individual circumstances;	(c) 'applicant in need of special procedural guarantees' means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this ***Directive*** is limited due to individual circumstances;

Or. en

Amendment 501
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Marju Lauristin

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

Text proposed by the Commission	*Amendment*
	(c a) 'registering' of an application for international protection means the recording of the personal details, in accordance with [Article 10(1) of the Eurodac Regulation] of an applicant for international protection, which formalises the application for international protection;

Or. en

Amendment 502
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(c a) 'stateless person' means an individual who is not considered as a national by any state under its national law;

Or. en

Amendment 503
Péter Niedermüller, Marju Lauristin, Ana Gomes, Josef Weidenholzer

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

Text proposed by the Commission	*Amendment*
	(c b) 'lodging' of an application for international protection means the submission of elements available to the applicant which may help to substantiate the application for international protection in accordance with [Article 4(1) of the Qualification Regulation];

Or. en

Amendment 504
Péter Niedermüller, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation)***, including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure in the Member State concerned***;	(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation);

Or. en

Justification

There is no need to stipulate on what grounds an application wasrejected in the definition of final decision.Furthermore, as some of theconcepts listed by the Commission will be amended, they must be deleted herefor consistency with later amendments.

Amendment 505
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting ***the application as inadmissible or a decision rejecting*** an application as explicitly withdrawn ***or abandoned*** and which can no longer be subject to an appeal procedure in the Member State concerned;	(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting an application as explicitly withdrawn and which can no longer be subject to an appeal procedure in the Member State concerned;

Or. en

Amendment 506
Jeroen Lenaers

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure in the Member State concerned;	(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure ***pursuant to Article 53*** in the Member State concerned;

Or. en

Amendment 507
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status ***or subsidiary protection status*** by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure in the Member State concerned;	(d) 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status by virtue of Regulation (EU) No XXX/XXX (Qualification Regulation), including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure in the Member State concerned;

Or. en

Amendment 508
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(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***;	(e) 'determining authority' means any ***judicial*** or administrative body in a Member State responsible for examining applications for international protection;

Or. en

Amendment 509
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 2 – point e

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

Or. en

Amendment 510
Miltiadis Kyrkos

Proposal for a regulation
Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary***;***	(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary***, where an organization is appointed as a representative, it shall designate a person responsible for carrying out the duties of representative in respect of the unaccompanied minor, in accordance with Directive 2013/33.***

Or. en

Amendment 511
Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her ***general*** well-being ***in procedures provided for in this Regulation*** and exercising legal capacity for the minor where necessary***;***	(f) 'guardian' means a person or an organisation appointed ***by the comptent bodies*** to assist and represent an unaccompanied minor ***in procedures provided for in this Regulation*** with a view to safeguarding the best interests of the child and his or her well-being***,*** and exercising legal capacity for the minor where necessary

Or. en

Justification

Language used in the compromise proposal in the QualificationsRegulation.Parliament should strive to be consistent in relation todefinitions.

Amendment 512
Brice Hortefeux

Proposal for a regulation
Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this ***Regulation*** and exercising legal capacity for the minor where necessary;	(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this ***Directive*** and exercising legal capacity for the minor where necessary;

Or. fr

Amendment 513
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this ***Regulation*** and exercising legal capacity for the minor where necessary;	(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this ***Directive*** and exercising legal capacity for the minor where necessary;

Or. en

Amendment 514
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation

Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her ***general*** well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary;	(f) 'guardian' means a person or an organisation appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary;

Or. en

Amendment 515
Jussi Halla-aho

Proposal for a regulation
Article 4 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) 'guardian' means a ***person or an organisation*** appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary;	(f) 'guardian' means a ***natural person*** appointed to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in procedures provided for in this Regulation and exercising legal capacity for the minor where necessary;

Or. en

Amendment 516
Miltiadis Kyrkos

Proposal for a regulation
Article 4 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or	(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or

refuse to renew refugee status or subsidiary protection status of a person;	refuse to renew refugee status or subsidiary protection status of a person ***in accordance with the [Qualification Regulation]***;

Or. en

Amendment 517
Beatrix von Storch

Proposal for a regulation
Article 4 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or refuse to renew refugee status ***or subsidiary protection status*** of a person;	(g) 'withdrawal of international protection' means the decision by a determining authority to revoke, end or refuse to renew refugee status of a person;

Or. en

Amendment 518
Péter Niedermüller, Elly Schlein, Ana Gomes, Josef Weidenholzer, Cécile Kashetu Kyenge

Proposal for a regulation
Article 4 – paragraph 2 – point i

Text proposed by the Commission	*Amendment*
(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***;	(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;

Or. en

Justification

Thereis no need to stipulate on what grounds an application was rejected in thedefinition of final decision.Furthermore, as some of the concepts listed bythe Commission will be amended, they must be deleted here for consistency withlater amendments.

Amendment 519
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 2 – point i

Text proposed by the Commission	*Amendment*
(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***;	(i) 'subsequent application' means a ***second or*** further application for international protection made in any Member State after a final decision has been taken on ***previous applications based on the same elements in fact and in law as*** previous ***applications,*** including cases where the application has been rejected as explicitly withdrawn;

Or. en

Amendment 520
Marina Albiol Guzmán

Proposal for a regulation
Article 4 – paragraph 2 – point i

Text proposed by the Commission	*Amendment*
(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***;	(i) 'subsequent application' means a further application for international protection made in ***the*** Member State ***concerned*** after a final decision has been taken ***and based on the same elements that have already been evaluated in the*** previous application including cases where

the application has been rejected as explicitly withdrawn;

Or. en

Amendment 521
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(j a) 'meaningful connection with a third country' means the existence of family or cultural ties or previous long-term residence and integration in the territory of a third country, according to which an applicant may 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.A meaningful connection shall not be derived from the mere fact that the applicant has transited through a third country.

Or. en

Amendment 522
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*

(c a) processing and taking decisions on cases pursuant to Regulation (EU) No XXX/XXX (Dublin Regulation);

Or. en

Amendment 523
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
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.***	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.

Or. en

Justification

A Member State cannot predict future situations due to which it will be confronted with disproportionate number of applications in order to equip in advance its determining authority with personnel.

Amendment 524
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	2. Each Member State shall provide the determining authority with appropriate means, including sufficient competent personnel ***and appropriate training*** 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 ***disproportionately high*** number of simultaneous applications.

Or. en

Amendment 525
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	2. Each Member State shall provide the determining ***authorities*** with appropriate means, including sufficient competent ***and trained*** 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. fr

Amendment 526
Marina Albiol Guzmán

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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 ***Directive***. 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. en

Amendment 527
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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:	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 admissibility and the merits of an application for international protection***:

Or. en

Amendment 528
Marina Albiol Guzmán

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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:	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. en

Amendment 529
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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***:	The following authorities shall have the task of receiving and registering applications for international protection:

Or. fr

Amendment 530
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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:	***In case of a disproportionate number of applications, the Member States may decide that*** 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:

Or. en

Justification

Each Member State should specify by national law the way in which the authorities mentioned shall assist the determining authority in receiving and registering applications.

Amendment 531
Péter Niedermüller, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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:	***Without prejudice to paragraph 1, the following authorities may also receive and register*** applications for international protection ***and shall have the task of*** informing applicants as to where and how to lodge an application for international protection:

Or. en

Justification

Paragraph 1 stipulates that it is the task of thedetermining authority to receive and register applications.Paragraph 3 then stipulates that it is the taskof four different bodies.For legal certainty, it should be clear that normallyit is the determining authority but that other bodies may receive and registerapplications.

Amendment 532
Emil Radev

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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***:***	The following authorities ***may*** have the task of receiving ***and/or*** registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection***.***

Or. bg

Amendment 533
Filiz Hyusmenova

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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*:*	The following authorities ***may*** 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*:*

Or. en

Justification

In some member states, specifically the front-line member states of the EU, it might prove procedurally difficult for all the enumerated authorities to both receiving and registering applications.While all of them could be the organ, receiving the application, Member States should have some discretion with regard to the most efficient authorities that shall perform the registration of the applications for international protection, which might require specific knowledge and training.

Amendment 534
Sergei Stanishev

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission	*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:	The following authorities ***may be tasked with*** receiving and registering applications for international protection as well as informing applicants as to where and how to lodge an application for international protection:

Or. en

Justification

The responsibility sharing between the Member States' authorities as regards to receiving and registering applications should be adapted to the needs and practices of the Member States and should therefore be at their discretion.

Amendment 535
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) the determining authority

Or. fr

Amendment 536
Marina Albiol Guzmán

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) police;	***deleted***

Or. en

Amendment 537
Kinga Gál

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) police;	***deleted***

Or. hu

Amendment 538
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) authorities responsible for detention facilities.	(d) authorities responsible for detention ***or reception*** facilities.

Or. en

Amendment 539
Marina Albiol Guzmán

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
Member States may entrust also other authorities with those tasks.	***deleted***

Or. en

Amendment 540
Brice Hortefeux, Rachida Dati

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission	*Amendment*
Member States may entrust also other authorities with those tasks.	Member States may entrust also other authorities with those tasks. ***Where the application is received by an authority without the power to register it, that authority shall inform the applicants where and how to apply for international protection.***

Or. fr

Amendment 541
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. In each Member State an authority or authorities shall be responsible for:
	(a) registering applications for international protection;
	(b) dealing with cases in accordance with Regulation (EU) No xxx/xxxx [Dublin Regulation]
	(c) granting or refusing permission to enter in the framework of the procedure provided for in Article 41 of this Directive, subject to the conditions as set out therein and on the basis of the reasoned opinion of the determining authority.

Or. fr

Amendment 542
Péter Niedermüller, Birgit Sippel, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 5 – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
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***:***	4. The determining authority of the Member State responsible may be assisted for the purpose of receiving ***and registering*** applications for international protection by ***the authorities of another Member State which has been entrusted by the Member State responsible with the task of receiving or registering applications for international protection;***

Or. en

Justification

Only the experts deployed by the European UnionAgency for Asylum should be entitled to replace the determining authority ofthe Member State responsible for the purposes of the part in examination ofapplications

Amendment 543
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 5 – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
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:	4. ***In case of a disproportionate number of applications,*** the determining authority of the Member State responsible may be assisted for the purpose of receiving, registering***, lodging*** and examining applications for international protection ***and in full respect of its national law*** by:

Or. en

Justification

It is imperative that the notion of disproportionate number of applications is defined.

Amendment 544

Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 5 – paragraph 4 – introductory part

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

Or. fr

Amendment 545
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 4 – introductory part

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

Or. en

Amendment 546
Jussi Halla-aho

Proposal for a regulation
Article 5 – paragraph 4 – introductory part

Text proposed by the Commission	*Amendment*
4. The determining authority of the Member State responsible may be assisted for the purpose of receiving***, registering***	4. The determining authority of the Member State responsible may be assisted for the purpose of receiving

and examining applications for international protection by:

and registering applications for international protection by:

Or. en

Amendment 547
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 5 – paragraph 4 – point a

Text proposed by the Commission	*Amendment*
(a) the authorities of another Member State who have been entrusted by that Member State with the task of receiving, registering or examining applications for international protection;	***deleted***

Or. en

Justification

The task of registering, lodging and examining applications should be entrusted (when asked for by the State) only to experts deployed by EASO and appointed for that purpose and not by the authorities of other MS as this is relevant to one of the basic domains entrusted to each national State.So the help should come only when asked for and only through EASO.

Amendment 548
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 4 – point a

Text proposed by the Commission	*Amendment*
(a) the authorities of another Member State who have been entrusted by that Member State with the task of receiving, registering or examining applications for international protection;	***deleted***

Or. en

Amendment 549
Péter Niedermüller, Cécile Kashetu Kyenge, Elly Schlein, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 5 – paragraph 4 – point a

Text proposed by the Commission	*Amendment*
(a) the authorities of another Member State who have been entrusted by that Member State with the task of receiving, registering or examining applications for international protection;	***deleted***

Or. en

Justification

The relevant part of this text has been moved tothe introductory paragraph

Amendment 550
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 5 – paragraph 4 – point b

Text proposed by the Commission	*Amendment*
(b) experts deployed by the European Union Agency for Asylum, in accordance with Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).	***deleted***

Or. en

Justification

Movedto paragraph 4(a)

Amendment 551

Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 5 – paragraph 4 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) The experts deployed by the European Union Agency for Asylum will be subject to the standard operating procedures and the hierarchy of the determining authority of the assisted Member State.

Or. en

Justification

This will enable the better cooperation between the determining authority and the experts deployed by EASO and prevent possible misunderstandings and conflicts.

Amendment 552
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. The determining authority of the Member State responsible may be assisted for the purpose of receiving, registering and examining applications for international protection by experts deployed by the European Union Agency for Asylum, in accordance with Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation).

Or. en

Justification

Onlythe experts deployed by the European Union Agency for Asylum should be entitledto replace the determining authority of the Member State responsible for thepurposes of the part in examination of applications.

Amendment 553
Marina Albiol Guzmán

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
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***.	5. Member States shall ensure that the personnel of the 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 ***Directive. This training must include, but not be limited to, specialized training on identifying victims of violence due to sexual orientation or of gender-based violence, as well as victims of trafficking and torture. Member States will also ensure the presence of interpreters, cultural mediators, and the access of NGOs providing legal aid throughout the process***.

Or. en

Amendment 554
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
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	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.	paragraph 3 ***and 4***, have the appropriate knowledge and are provided with the necessary training ***pursuant to Article 7 of Regulation (EU) XXX/XXX (EU Asylum Agency Regulation)*** and instructions to fulfil their obligations when applying this Regulation.

Or. en

Amendment 555
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes, Marju Lauristin, Caterina Chinnici

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	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, ***4 and 4a*** have the appropriate knowledge and are provided with the necessary training and instructions to fulfil their obligations when applying this Regulation.

Or. en

Justification

The personnel of other member states and experts from the European Union Agency forAsylum should meet the conditions related to training and instruction.

Amendment 556
Brice Hortefeux

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission	*Amendment*

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***.	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 ***Directive***.

Or. fr

Amendment 557
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission	*Amendment*
	5 a. Member States shall take all necessary measures to prevent absconding of the applicant, as well as illegal travels to another Member State of the European Union.

Or. en

Amendment 558
Udo Voigt

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The authorities applying this Regulation shall safeguard the confidentiality of any information they obtain in the course of their work.	1. The authorities applying this Regulation shall safeguard the confidentiality of any information they obtain in the course of their work. ***In order to combat attempted terrorism, however, all applicants shall be listed in a central online database, which shall include the***

	applicant's photograph, full name and last place of residence in the third country.

Or. de

Amendment 559
Jussi Halla-aho

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The authorities applying this Regulation shall safeguard the confidentiality of any information they obtain in the course of their work.	1. The authorities applying this Regulation shall safeguard the confidentiality of any information ***about any individual application*** they obtain in the course of their work.

Or. en

Amendment 560
Brice Hortefeux

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The authorities applying this ***Regulation*** shall safeguard the confidentiality of any information they obtain in the course of their work.	1. The authorities applying this ***Directive*** shall safeguard the confidentiality of any information they obtain in the course of their work.

Or. fr

Amendment 561
Marina Albiol Guzmán

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The authorities applying this ***Regulation*** shall safeguard the confidentiality of any information they obtain in the course of their work.	1. The authorities applying this ***Directive*** shall safeguard the confidentiality of any information they obtain in the course of their work.

Or. en

Amendment 562
Marina Albiol Guzmán

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(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 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***.	(b) obtain any information from the alleged actors of persecution or serious harm.

Or. en

Amendment 563
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(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***	(b) obtain any information from the alleged actors of persecution or serious harm ***if it could in any way*** jeopardise the physical integrity of the applicant or his or her dependants, or the liberty and security

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.

of his or her family members still living in the country of origin.

Or. en

Justification

The provision needs to give a clearer protection to the applicant and his or her dependants in order to be proportional.

Amendment 564
Emil Radev

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall make his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).	***deleted***

Or. bg

Amendment 565
Filiz Hyusmenova

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***The applicant shall make his or her*** application ***in the*** Member State ***of first entry or, where he or she is legally present in a Member State, he or she shall***	1. ***When a third-country national or a stateless person makes an*** application ***for international protection from a*** Member State***, the applicant shall***

make the application ***in that Member State as provided for in*** Article ***4 of*** Regulation (EU) No XXX/XXX (***Dublin*** Regulation).	***cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine*** the application ***by:*** ***(a) providing the data referred to in points (a) and (b) of the second paragraph of*** Article ***27(1);*** ***(b) providing fingerprints and facial image as referred to in*** Regulation (EU) No XXX/XXX (***Eurodac*** Regulation).***[1a]***
	[1a] OJ L [...], [...], p. [...].

Or. en

Amendment 566
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall make his or her application in the Member State ***of first entry or,*** where he or she is ***legally*** present in ***a Member State, he or she shall make the application in that Member State as provided for in Article 4 of*** Regulation (EU) No XXX/XXX (Dublin Regulation).	1. The applicant shall make his or her application in the Member State where he or she is present in ***accordance with*** Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Amendment 567
Sergei Stanishev

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall make his or her application in the Member State ***of first entry or,*** where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).	1. The applicant shall make his or her application in the Member State ***determined as responsible in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).*** Where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Justification

The provisions of this Regulation should be in line with the Dublin Regulation and take in account the possibility for triggering of the automated allocation mechanism.

Amendment 568
Miltiadis Kyrkos

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall make his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).	1. The applicant shall make ***and lodge*** his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Amendment 569
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall make his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).	1. The applicant shall make ***and lodge*** his or her application in the Member State of first entry or, where he or she is legally present in a Member State, he or she shall make the application in that Member State as provided for in Article 4 of Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Justification

This wording corresponds to the definition of making an application.

Amendment 570
Filiz Hyusmenova

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The applicant shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:	***deleted***
(a) providing the data referred to in points (a) and (b) of the second paragraph of Article 27(1);	
(b) providing fingerprints and facial image as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).[35]	
(c) lodging his or her application in accordance with Article 28 within the set time-limit and submitting all elements at his or her disposal needed to substantiate his or her application;	
(d) hand over documents in his or her possession relevant to the examination of the application.	

_____

[35] OJ L […], […], p. […].

Or. en

Justification

Relates to the modification of article 7, paragraph 1

Amendment 571
Emil Radev

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. ***The applicant*** shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:	2. ***When a person applies for international protection, he or she*** shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:

Or. bg

Amendment 572
Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The applicant shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:	2. The applicant shall cooperate with the responsible authorities ***in all matters covered by this regulation in order*** for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:

Or. en

Amendment 573
Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The applicant shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:	2. The applicant shall ***be bound to*** cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by:

Or. en

Amendment 574
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(b) providing fingerprints and facial image as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).[35]	***deleted***
[35] OJ L […], […], p. […].	

Or. en

Amendment 575
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(b) providing ***fingerprints and facial image*** as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).[35]	(b) providing ***biometric data*** as referred to in Regulation (EU) No XXX/XXX (Eurodac Regulation).[35]

[35] OJ L […], […], p. […].

[35] OJ L […], […], p. […].

Or. en

Amendment 576
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(c) lodging his or her application in accordance with Article 28 ***within the set time-limit*** and submitting all elements at his or her disposal needed to substantiate his or her application;	(c) lodging his or her application in accordance with Article 28 and submitting all elements at his or her disposal needed to substantiate his or her application;

Or. en

Amendment 577
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

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

Text proposed by the Commission	*Amendment*
(c) lodging his or her application in accordance with Article 28 ***within the set time-limit*** and submitting all elements at his or her disposal ***needed*** to substantiate his or her application;	(c) lodging his or her application in accordance with Article 28 and submitting all elements at his or her disposal ***that might help*** to substantiate his or her application;

Or. en

Justification

Thetime-limit is laid down in Article 28, subject to certain conditions.A simplereference to Article 28 is therefore sufficient and more appropriate here.Itis clear that not all applicants will have all the elements at their disposalto substantiate their application.

Amendment 578
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 7 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) if requested, providing an age assessment established by means of a medical examination used to determine the age of minors in accordance with Article 24.

Or. en

Amendment 579
Péter Niedermüller, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

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

Text proposed by the Commission	*Amendment*
(d) ***hand over*** documents in his or her possession relevant to the examination of the application.	(d) ***allowing the responsible authorities to examine and make copies of*** documents in his or her possession relevant to the examination of the application.

Or. en

Justification

Theapplicant should not be expected to hand over all his or her personal documentsor travel documents to the authorities.They should be allowed to examine andcopy such documents but the applicant should not be forced to hand them over.

Amendment 580
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(d) hand over documents in his or her possession relevant to the examination of the application.	(d) hand over documents***, or their copies,*** in his or her possession relevant to the examination of the application.

Or. en

Amendment 581
Maria Grapini

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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.	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, ***or misleads 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,*** 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.

Or. ro

Amendment 582
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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.	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 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 discontinued*** 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. en

Amendment 583
Marina Albiol Guzmán

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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***.	3. Where an applicant refuses to cooperate by not providing the details ***referred to in this Directive*** for the examination of the application, 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 ***will be suspended until the necessary information is provided. Any use of force in collecting***

the information shall be prohibited and penalized.

Or. en

Amendment 584
Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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.	3. Where an applicant ***has been properly informed by the responsible authorities of his or her obligations referred to in this regulation and the consequences deriving from not adhering to these obligations, and refuses to cooperate by not providing the details referred to in points (a) and (b) of the second paragraph of Article 27(1) or by not complying with the process of taking biometric data***, his or her application shall be rejected as abandoned in accordance with the procedure referred to in Article 39.

Or. en

Amendment 585
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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	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***.	informed that person of his or her obligations and has ensured that that person has had an effective opportunity to comply with those obligations, ***this*** shall ***not prevent the determining authority from taking a decision on an application for international protection***.

Or. en

Justification

Lack of cooperation should not be a criteria to consider an application as abandoned as the determination of what could constitute a lack of cooperation are to vague, the failure of an applicant to provide the necessary information should not however prevent the determining authority from taking a decision on the application.

Amendment 586
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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.	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 ***must*** be rejected as abandoned in accordance with the procedure referred to in Article 39.

Or. en

Amendment 587
Péter Niedermüller, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission	*Amendment*
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.	3. Where an applicant refuses to cooperate ***in accordance with paragraph 2, and the responsible authorities have properly informed that person of*** his or her ***obligations*** and the ***consequences of refusing to cooperate, and where the responsible authorites have*** ensured that that person has had an effective opportunity to comply with those obligations, his or her application ***may*** be rejected as ***implicitly withdrawn*** in accordance with the procedure referred to in Article 39.

Or. en

Justification

Thegrounds for considering an application as implicitly withdrawn are laid down inArticle 39.This text reiterates only the applicant's obligation to provideinformation in accordance with paragraph 2.

Amendment 588
Marina Albiol Guzmán

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
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***	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 ***telephone number or e-mail address*** where he or she may be reached by the ***relevant*** authority or other responsible authorities. He or she shall notify that determining authority of any changes.

particular when he or she lodges an application in accordance with Article 28.

Or. en

Amendment 589
Péter Niedermüller, Elly Schlein, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
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.***	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 ***or e-mail address*** 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.

Or. en

Justification

It is not a question of the applicant accepting correspondence to his or her address.The determining authority should seek to ensure that allcorrespondence reaches the applicant.Any dispute regarding correspondence canalways be evaluated by a Court if there is an appeal on a decision at firstinstance.

Amendment 590
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
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.	4. The applicant shall inform the determining authority of the Member State in which he or she ***has registered an application for international protection*** of his or her place of residence or address or a telephone number ***or email address*** 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.

Or. en

Amendment 591
Beatrix von Storch

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission	*Amendment*
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.	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 ***immediately*** 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. en

Amendment 592
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The applicant shall remain on the territory of the Member State where he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).	***deleted***

Or. en

Amendment 593
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The applicant shall comply with obligations to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive), as imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).	***deleted***

Or. en

Amendment 594
Emil Radev

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The applicant shall comply with obligations to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive)***, as imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation)***.	6. The applicant shall comply with obligations to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive).

Or. bg

Amendment 595
Péter Niedermüller, Kati Piri, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The applicant shall comply with ***obligations*** to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive), ***as*** imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).	6. The applicant shall comply with ***any obligation*** to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive), ***where such an obligation has been*** imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Justification

It is important to make it clear that there may be no such obligation on the applicant.

Amendment 596
Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The applicant shall comply with obligations to report regularly to the competent authorities ***or*** to appear before them in person without delay or at a specified time ***or*** to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive), as imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).	6. The applicant shall comply with obligations to report regularly to the competent authorities**,** to appear before them in person without delay or at a specified time ***and*** to remain in a designated area on its territory in accordance with Directive XXX/XXX/EU (Reception Conditions Directive), as imposed by the Member State in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation).

Or. en

Amendment 597
Jussi Halla-aho

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
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 prejudice to any search carried out for security reasons, a search of the applicant's person under this Regulation shall be	7. Where it is necessary for the examination of an application, the applicant ***shall*** be required by the responsible authorities to be searched or have his or her items***, including the contents of electronic devices such as smartphones, tablets and laptops,*** searched. Without prejudice to any search

carried out by a person of the same sex with full respect for the principles of human dignity and of physical and psychological integrity.	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. en

Amendment 598
Jeroen Lenaers

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
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 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.	7. Where it is necessary for the ***processing*** of an application, the applicant may***, in accordance with national legislation and the principle of proportionality,*** be required by the responsible 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.

Or. en

Amendment 599
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*

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 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.	7. The applicant may be required by the responsible authorities to be searched or have his or her items searched ***only*** 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. en

Amendment 600
Marina Albiol Guzmán

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
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 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.	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. ***The responsible authorities must use*** search ***as a final resource and give the applicant a specific reason for the search in writing.*** A search of the applicant's person under this ***Directive*** 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. en

Amendment 601
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission	*Amendment*
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 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.	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 ***in accordance with national law***. 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.

Or. en

Justification

Need to respect relevant provisions of national law.

Amendment 602
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. The European Asylum Agency shall, in close cooperation with the responsible national agencies and complementary to information material provided under Regulation XXX/XXX (Dublin Regulation), draw up common information materials containing at least the information referred to in paragraph 1 of this Article. The common information material shall be established in such a manner as to enable Member States to complete it with additional Member State-specific information. The European Asylum Agency shall create specific information material intended particularly for the following target

groups:
a) adult applicants, with specific attention to female and vulnerable applicants;
b) unaccompanied minors;
c) accompanied minors.

Or. en

Justification

It is crucial that all applicants are appropriately informed about the procedures that they will be going through.Harmonising the provision of information whilst ensuring that national specificities can be incorporated and explained will further strengthen the CEAS.Although the EUAA would seem the logical coordinator and driving force in the development of such materials it would also be crucial to involve the national authorities that will use the information on the ground.

Amendment 603
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Bodil Valero, Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Applicants shall enjoy the right to free legal assistance and representation at all stages of the procedure pursuant to Section III of this Regulation.

Or. en

Amendment 604
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Bodil Valero, Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*

	1 b. Applicants shall be guaranteed the right to a substantive interview on their application in accordance with Article 11 of this Regulation and, where applicable, the right to an admissibility interview in accordance with Article 10 of this Regulation.

Or. en

Amendment 605
Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Ana Gomes, Cécile Kashetu Kyenge, Elly Schlein, Caterina Chinnici

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand, of the following:	The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand ***and in a concise, transparent, intelligible and easily accessible form, using clear and plain language***, of the following:

Or. en

Justification

This is the wording used in Article 7(8) of the Parliament's position in the Reception Conditions Directive.

Amendment 606
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*

The determining authority shall inform applicants, in a language which they understand ***or are reasonably meant to understand***, of the following:	The determining authority shall inform applicants, in a language which they understand ***in a concise, transparent, intelligible and easily accessible form, using clear and plain language***, of the following:

Or. en

Amendment 607
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The determining authority shall inform applicants, in a language which they understand ***or are reasonably meant to understand***, of the following:	The determining authority shall inform applicants, in a language which they understand***, in a concise, transparent, intelligible and easily accessible form***, ***using clear and plain language*** of the following:

Or. en

Justification

Clarification in order to improve the understanding of the CEAS amongst applicants

Amendment 608
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand, of the following:	The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand, ***and where possible using simple language,*** of the following:

Or. en

Amendment 609
Marina Albiol Guzmán

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The ***determining*** authority shall inform applicants, in a language which they understand ***or are reasonably meant to understand***, of the following:	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. en

Amendment 610
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Cécile Kashetu Kyenge, Elly Schlein, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) the right to legal assistance for the lodging of the individual application, including the possibility of free legal assistance in accordance with Article 15;

Or. en

Justification

It is crucial to ensure that the applicant has the right to legal assistance and representationin order to prepare the lodging of his or her application.

Amendment 611
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation

Article 8 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(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)***;	(c) their rights and obligations during the procedure;

Or. en

Justification

The reference to the Dublin Regulation is superfluous here.There are a number of rights which the applicant enjoys and obligations on the applicant.We do not mention any others here.

Amendment 612
Emil Radev

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point в

Text proposed by the Commission	*Amendment*
(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)***;	(c) their rights and obligations during the procedure;

Or. bg

Amendment 613
Jeroen Lenaers

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*

(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);	(c) their rights and obligations during the procedure including ***those under*** Regulation (EU) No XXX/XXX (Dublin Regulation);

Or. en

Amendment 614
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(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);	(c) their rights and obligations during the procedure, including of the ***right to family reunification and procedures pursuant to*** Regulation (EU) No XXX/XXX (Dublin Regulation);

Or. en

Amendment 615
Marina Albiol Guzmán

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(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);	(c) their rights and obligations during the procedure, including the ***right to be reunited with family members present in another Member State*** in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation);

Or. en

Amendment 616
Péter Niedermüller, Ana Gomes, Josef Weidenholzer, Caterina Chinnici, Elly Schlein, Cécile Kashetu Kyenge

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) ***the time-frame of the procedure***;	(e) ***any time-limits which they are required to respect and the time-limits which the responsible authorities are required to respect***;

Or. en

Justification

As the deadlines imposed have implications for the applicant, it is important that the applicant is informed of the deadlines which he or she is expected to respect.Likewise, so that the applicant understands that the authorities also have deadlines, the applicant should be informed of the deadlines that they have to respect.

Amendment 617
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Elly Schlein, Cécile Kashetu Kyenge, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Regulation (EU) No XXX/XXX (Qualification Regulation);	(f) the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Regulation (EU) No XXX/XXX (Qualification Regulation) ***including the right to free legal assistance and representation***;

Or. en

Amendment 618

Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point g

Text proposed by the Commission	*Amendment*
(g) the consequences of an explicit ***or implicit*** withdrawal of the application;	(g) the consequences of an explicit withdrawal of the application ***or its discontinuation***;

Or. en

Amendment 619
Elissavet Vozemberg-Vrionidi

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 ***rejection of the application***, as well as the consequence of a decision refusing to grant international protection and the manner in which to challenge such a decision.

Or. en

Justification

In case of a decision recognizing a refugee, the A.S. should not hand over the full reasons to the refugee, given the fact that this reasoning could be exploited abusively by other applicants, leading to a creation of similar/copy cases.However, in case of a decision recognizing an applicant eligible for subsidiary protection, the full reasoning should be given to the applicant, because this is considered as a partly negative decision and the applicant should be aware of the whole reasoning in order to appeal the decision.

Amendment 620
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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, as well as the consequence of a decision refusing to grant international protection and the ***deadlines and*** manner in which to challenge such a decision.

Or. en

Amendment 621
Marina Albiol Guzmán

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1 – point h a (new)

Text proposed by the Commission	*Amendment*
	(h a) the right to receive free legal counsel and to contact relevant NGOs.

Or. en

Amendment 622
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

Text proposed by the Commission	*Amendment*
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.	The information referred to in the first paragraph shall be ***provided as soon as the application is registered*** 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. ***The information shall be provided both in written and oral form, where appropriate with the support of***

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

Or. en

Justification

Clarifications on the rights of information in order to mirror some of the requirements in the Dublin regulation.

Amendment 623
Péter Niedermüller, Marju Lauristin, Caterina Chinnici, Ana Gomes, Josef Weidenholzer, Birgit Sippel

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

Text proposed by the Commission	*Amendment*
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.	***All*** 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. ***The information referred to in points (a) to (g) shall be given to the applicant at the moment when the application for international protection is registered.***

Or. en

Justification

It is important to inform the applicant of his or her obligations as soon as possible in the procedure.As the applicant is required to be present for registration, that represents a good opportunity for the Member State authorities to inform him or her of those obligations.

Amendment 624
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
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.	The information referred to in the first paragraph shall be given ***at the point at which the application for international protection is registered, and in any event prior to the personal interview,*** to enable the applicants to exercise the rights guaranteed in this ***Directive*** and for them to adequately comply with the obligations set out in Article 7.

Or. en

Amendment 625
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
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.	The information referred to in the first paragraph shall be given ***when making an application and at the latest when registering the application*** 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. en

Amendment 626
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Children shall be provided information in a child-friendly manner and in a language they understand by appropriately trained staff.

Or. en

Amendment 627
Marina Albiol Guzmán

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be paid for from public funds.	3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be paid for from public funds. ***This shall also be done when applicants are in detention centers or at border crossing points.***

Or. en

Amendment 628
Beatrix von Storch

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be paid for from public funds.	3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be paid for from public funds ***unless the applicant has sufficient resources***.

Or. en

Amendment 629
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be ***paid for from public funds***.	3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be ***free for applicants***.

Or. en

Justification

In some Member States this is not provided under the national law.

Amendment 630
Miltiadis Kyrkos

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be ***paid for from public funds***.	3. The determining authority shall provide applicants with the services of an interpreter for submitting their case to the determining authority as well as to courts or tribunals whenever appropriate communication cannot be ensured without such services. The interpretation services shall be ***free for applicants***.

Or. en

Amendment 631
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The European Asylum Agency shall provide a dedicated website with information about the Common European Asylum System, and in particular the functioning of this Regulation, targeting applicants for international protection as well as potential applicants.The information on the website shall be comprehensive and up to date and be provided in a concise, transparent, intelligible and easily accessible form, using clear and plain language and available in all the major languages spoken by applicants for international protection arriving in Europe.

Or. en

Justification

The underlying idea with this proposal is to counter the dis-information provided to potential applicants in third countries by smugglers and others in order to ensure that they have a realistic understanding of the basic principles of the CEAS.Hopefully this can contribute to

ensuring that applicants with a very low chance of receiving protection in Europe avoid making hazardous and costly crossings of the Mediterranean in order to get to Europe.

Amendment 632
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The European Asylum Agency shall draw up common information material containing at least the information referred to in paragraph 2 of this Article.The common information material shall be established in such a manner as to enable Member States shall use the common information material and to complete it, where necessary, with additional Member State-specific information.

Or. en

Amendment 633
Péter Niedermüller, Marju Lauristin, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The determining authority may also provide applicants with a cultural mediator to assist him or her during the procedure and, in particular, during the personal interview.

Or. en

Justification

Experience on the ground shows that cultural mediators can be a helpful catalyst for developing understanding between the applicant and the determining authority.

Amendment 634
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 8 – paragraph 3 b (new)

Text proposed by the Commission	*Amendment*
	3 b. The competent authorities of the Member States shall keep the applicants informed on the progress of the procedures carried out under this Regulation with regard to their application.Such information shall be provided in writing at regular intervals.In the case of minors, the competent authorities shall inform both the minor and the guardian with the same modalities.The Commission shall be empowered to adopt an implementing act to establish the modalities for the provision of such information.Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

Or. en

Justification

It would seem sensible to require authorities to keep the applicants informed about the process in which they are and not only when a decision is taken.Ensuring that applicants are regularly kept informed about the status of their application would build trust for the system and help limiting secondary movements.

Amendment 635
Marina Albiol Guzmán

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 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***.	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**,** ***informing them about the different governmental and non-governmental organizations and ensuring they can be contacted by them***.

Or. en

Amendment 636
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

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 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.	4. ***Within 14 days of making the application ,*** 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.

Or. en

Justification

Given the time-limits imposed by this Regulation, it is important to establish that applicants can contact UNHCR within a reasonable time frameafter they make their application.

Amendment 637
Jussi Halla-aho

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 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.	4. The determining authority ***may, when deemed feasible,*** provide applicants with the opportunity to communicate with United Nations High Commissioner for Refugees or with ***another organization*** providing ***professional*** legal advice to applicants in accordance with national law.

Or. en

Amendment 638
Beatrix von Storch

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 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.	4. The determining authority ***may*** 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.

Or. en

Amendment 639
Laura Ferrara

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission	*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)(e)*** required for the examination of	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) and (c)*** 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.	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 640
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission	*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)(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.	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)*** 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. en

Amendment 641
Kinga Gál

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The determining authority shall ensure that applicants and, where	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.	applicable, their guardians ***and/or legal representatives*** 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.

Or. hu

Amendment 642
Péter Niedermüller, Birgit Sippel, Elly Schlein, Cécile Kashetu Kyenge, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission	*Amendment*
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 representing the applicant, the determining authority ***may*** give notice of the decision to him or her ***instead of*** to the applicant.	6. The determining authority shall give applicants notice ***in writing within seven days*** of the decision taken on their application. Where a guardian, legal adviser or other counsellor is legally representing the applicant, the determining authority ***shall*** give notice of the decision to him or her ***as well as*** to the applicant.

Or. en

Justification

The wording in Article 8(6) should be aligned wtih that used in Article35(1).Both the applicant and his or her legal adviser or counsellor should be informed in writing at the latest seven days after the decision has been taken.

Amendment 643
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission	*Amendment*
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 representing the applicant, the determining authority ***may*** give notice of the decision to him or her ***instead of to the applicant***.	6. The determining authority shall ***notify*** applicants within ***five days*** of the decision taken on their application. Where a guardian, legal adviser or other counsellor is legally representing the applicant, the determining authority ***shall also*** give notice of the decision to him or her.

Or. en

Amendment 644
Marina Albiol Guzmán

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission	*Amendment*
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 representing the applicant, the determining authority ***may*** give notice of the decision to him or her ***instead of*** to the applicant.	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 applicant, the determining authority ***shall*** give notice of the decision to him or her ***as well as*** to the applicant.

Or. en

Amendment 645
Jussi Halla-aho

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission	*Amendment*
6. The determining authority shall give applicants notice within a reasonable	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 representing the applicant, the determining authority may give notice of the decision to him or her instead of to the applicant.

time of the decision taken on their application. Where a guardian ***or*** legal adviser is legally representing the applicant, the determining authority may give notice of the decision to him or her instead of to the applicant.

Or. en

Amendment 646
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Bodil Valero, Judith Sargentini

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Applicants shall have the right to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a decision in accordance with the administrative procedure provided for in Chapter III.	1. Applicants shall have the right to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a ***final*** decision in accordance with the administrative procedure provided for in Chapter III ***and until any ongoing appeal procedure in relation to the application, return decision or removal order has been concluded***.

Or. en

Amendment 647
Jussi Halla-aho

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Applicants shall ***have the right*** to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a	1. Applicants shall ***be allowed*** to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a

decision in accordance with the administrative procedure provided for in Chapter III.	decision in accordance with the administrative procedure provided for in Chapter III.

Or. en

Amendment 648
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Applicants shall ***have the right*** to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a decision in accordance with the administrative procedure provided for in Chapter III.	1. Applicants shall ***be authorised*** to remain in the Member State responsible, for the sole purpose of the procedure, until the determining authority has taken a decision in accordance with the administrative procedure provided for in Chapter III.

Or. fr

Amendment 649
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Applicants shall have the right to remain in the Member State responsible, for the ***sole*** purpose of the procedure, until the determining authority has taken a decision in accordance with the administrative procedure provided for in Chapter III.	1. Applicants shall have the right to remain in the Member State responsible, for the purpose of the procedure, until the determining authority has taken a decision in accordance with the administrative procedure provided for in Chapter III.

Or. en

Justification

The applicant may well be able to work during the application process.Therefore the applicant's right to remain should not belimited solely to the procedure – even if that is the main ground.

Amendment 650
Beatrix von Storch

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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)***.	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.

Or. en

Amendment 651
Jeroen Lenaers

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	2. The right to remain ***on the territory of a Member State*** 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).

Or. en

Amendment 652
Péter Niedermüller, Birgit Sippel, Kati Piri, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	2. The right to remain 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).

Or. en

Justification

We do not need to determine the nature of the right to remain.We should simply stipulate that the right to remain is not a right to travel to the territory of the other Member States.

Amendment 653
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	2. The right to remain shall not constitute an entitlement to a residence permit ***of any kind*** 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).

Or. en

Amendment 654

Marina Albiol Guzmán

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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)***.	2. The right to remain shall constitute an entitlement to a residence permit ***in order to make the application effective,*** and it shall give the applicant the right to travel to the territory of other Member States ***as long as he or she can be contacted by a telephone number or e-mail address***.

Or. en

Amendment 655
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission	*Amendment*
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).	*(Does not affect the English version.)*

Or. fr

Amendment 656
Marina Albiol Guzmán

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission	*Amendment*

3. The responsible authorities of Member States may revoke the applicant's right to remain on their territory during administrative procedure where:	***deleted***
(a) a person makes a subsequent application in accordance with Article 42 and in accordance with the conditions laid down in Article 43;	
(b) a person is surrendered or extradited, as appropriate, to another Member State pursuant to obligations in accordance with a European arrest warrant [36] or to a third country or to international criminal courts or tribunals.	

_____

[36] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 657
Jussi Halla-aho

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

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

Or. en

Amendment 658
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(a) a person makes a subsequent application in accordance with Article 42 and in accordance with the conditions laid down in Article 43;	***deleted***

Or. en

Amendment 659
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

Text proposed by the Commission	*Amendment*
(a) a person makes a subsequent application in accordance with Article 42 and in accordance with the conditions laid down in Article 43;	***deleted***

Or. en

Justification

It is not acceptable to remove people from the European territory until a final decision has been reached on their application.

Amendment 660
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission	*Amendment*
(a) a person makes a subsequent application in accordance with Article 42	(a) a person makes a ***second or further*** subsequent application in accordance with

and in accordance with the conditions laid down in Article 43;	Article 42 and in accordance with the conditions laid down in Article 43;

Or. en

Justification

A subsequent application may result from anapplicant not being present on the territory of the Member State responsiblеduring the first application, In such circumstances, the applicant must beallowed to remain for the subsequent application.

Amendment 661
Emil Radev

Proposal for a regulation
Article 9 – paragraph 3 – point б a (new)

Text proposed by the Commission	*Amendment*
	б (a) a person represents or becomes a threat to the Member State's national security or commits an offence.In such a case the person should be extradited immediately to his or her country of origin or transit.

Or. bg

Amendment 662
Jussi Halla-aho

Proposal for a regulation
Article 9 – paragraph 3 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) a person poses risk to the internal security or public order of the Member State.

Or. en

Amendment 663
Marina Albiol Guzmán

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
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.	***deleted***

Or. en

Amendment 664
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 9 – paragraph 4

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

Or. en

Amendment 665
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission	*Amendment*
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.	4. A Member State may extradite an applicant to a third country pursuant to paragraph 3(b) only where the extradition decision will not result in direct or indirect refoulement in breach of the international and Union obligations of that Member State.

Or. en

Justification

In some Member States the decision on the extradition of the applicant to a third country is separate from the decision on the asylum application.Therefore the determining authority does not have a decisive role in the extradition decision.The latter is the sole competency of national courts.

Amendment 666
Brice Hortefeux

Proposal for a regulation
Article 10

Text proposed by the Commission	*Amendment*
Article 10	***deleted***
Admissibility interview	
1.Before a decision is taken by the determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of an interview on the admissibility of his or her application.	
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.	

Or. fr

Amendment 667
Marina Albiol Guzmán

Proposal for a regulation
Article 10

Text proposed by the Commission	*Amendment*
Article 10	***deleted***
Admissibility interview	
1. Before a decision is taken by the determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of an interview on the admissibility of his or her application.	
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.	

Or. en

Amendment 668
Sergei Stanishev

Proposal for a regulation
Article 10

Text proposed by the Commission	*Amendment*
Article 10	***deleted***
Admissibility interview	
1. Before a decision is taken by the determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of an interview on the admissibility of his or her application.	

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.

Or. en

Justification

In line with previous amendments to remove admissibility checks as a requirement before applying the Dublin Regulation.

Amendment 669
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Before a decision is taken by ***the*** determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of ***an*** interview on the admissibility of his or her application.	1. ***Where a determining authority decides to carry out an admissibility test in accordance with Article 36, and*** before a decision is taken by ***that*** determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of ***a personal*** interview on the admissibility of his or her application.

Or. en

Justification

An admissibility test should not be a requirement of the applicationprocedure, it should be optional.The interview should be a personal interviewas per the existing Directive.

Amendment 670
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Before a decision is taken by the determining authority on the admissibility of an application for international protection, the applicant shall be given the opportunity of an interview on the admissibility of his or her application.	1. Before a decision is taken by the determining authority on the admissibility of an application for international protection, the applicant shall be ***accorded the right to be heard and*** given the opportunity of an interview on the admissibility of his or her application.

Or. en

Amendment 671
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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*** would not be applicable to his or her particular circumstances.

Or. en

Amendment 672
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*

	2 a. National asylum authorities shall have the task of conducting admissibility interviews.Member States may not entrust other authorities with this task.

Or. en

Amendment 673
Brice Hortefeux

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*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.	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 ***with a person empowered under national law to conduct such an interview***.

Or. fr

Amendment 674
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission	*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.	1. Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be ***accorded the right to be heard and*** given the opportunity of a substantive interview on his or her application.

Or. en

Amendment 675
Jussi Halla-aho

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
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.***	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.

Or. en

Amendment 676
Péter Niedermüller, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
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	2. In the substantive interview, the applicant shall be given ***sufficient*** 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 any inconsistencies or contradictions in the applicant's statements.

Or. en

Justification

Preferable wording.The word ‘adequate’ carries a limited and oftennegative connotation in English.Sufficient is clearer here.

Amendment 677
Marina Albiol Guzmán

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
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.	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. en

Amendment 678
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In the substantive interview, the applicant shall be given ***an adequate*** opportunity to present the elements needed	2. In the substantive interview, the applicant shall be given***the***opportunity to present the elements needed to substantiate

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.	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. fr

Amendment 679
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A person who conducts the substantive interview of an application shall not wear a military or law enforcement uniform.	***deleted***

Or. en

Justification

This provision should be deleted and added to Article 12 on therequirements for personal interviews.This means it would apply to bothinterviews on admissibility and on the substance.

Amendment 680
Marina Albiol Guzmán

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A person who conducts the substantive interview of an application	3. A person who conducts the substantive interview of an application shall not wear a military or law enforcement uniform. ***The presence of***

shall not wear a military or law enforcement uniform.	***interpreters and legal advisors must be guaranteed.***

Or. en

Amendment 681
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***A person who conducts the*** substantive ***interview of an application shall not wear a military or law enforcement uniform***.	3. ***National asylum authorities shall have the task of conducting*** substantive ***interviews. Member States may not entrust other authorities with this task***.

Or. en

Amendment 682
Jussi Halla-aho

Proposal for a regulation
Article 11 – paragraph 3

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

Or. en

Amendment 683
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall be given an opportunity of a personal interview on his or her application in accordance with the conditions established in this Regulation.	1. The applicant shall be ***accorded the right to be heard and*** given an opportunity of a personal interview on his or her application in accordance with the conditions established in this Regulation.

Or. en

Amendment 684
Marina Albiol Guzmán

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The applicant shall be given an opportunity of a personal interview on his or her application in accordance with the conditions established in this ***Regulation***.	1. The applicant shall be given an opportunity of a personal interview on his or her application in accordance with the conditions established in this ***Directive***.

Or. en

Amendment 685
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici, Marju Lauristin

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The personal interviews shall be conducted under conditions which ensure appropriate confidentiality and ***which*** allow applicants to present the grounds for their applications in a comprehensive manner.	2. The personal interviews shall be conducted under conditions which ensure appropriate confidentiality and ***Member States shall take appropriate steps to ensure that those conditions*** allow applicants to present the grounds for their applications in a comprehensive manner.

Or. en

Justification

In accordance with the existing Directive, Member States should have a positive obligation to ensure that the conditions of the interview allow the applicant the chance to present his or her application in a comprehensive manner.

Amendment 686
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	2 a. The presence of the applicant's legal advisor or counsellor in accordance with Article 15(2)(b) shall be ensured.

Or. en

Amendment 687
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by ***the personnel of authorities of other Member States referred to in Article 5(4)(a) or*** experts deployed by the European Union Agency for Asylum referred to in Article ***5(4)(b)***.	3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by experts deployed by the European Union Agency for Asylum referred to in Article ***5 (4 a)***.

Or. en

Justification

Tabled for consistency with earlier amendments.See Article 5 paragraph 4.

Amendment 688
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by ***the personnel of authorities of other Member States referred to in Article 5(4)(a) or*** experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b).	3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b).

Or. en

Amendment 689
Marina Albiol Guzmán

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Personal interviews shall be conducted by the personnel of the determining authority***, which may be assisted by the personnel of authorities of other Member States referred to in Article 5(4)(a) or experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b)***.	3. Personal interviews shall be conducted by the personnel of the determining authority***.The determining authority will ensure the presence of interpreters, and cultural mediators when necessary and of legal advisors***.

Or. en

Amendment 690
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by ***the personnel of authorities of other Member States*** referred to in Article ***5(4)(a) or experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b)***.	3. Personal interviews shall be conducted by the personnel of the determining authority, which may be assisted by ***experts deployed by the European Union Agency for Asylum*** referred to in Article ***5(4)(b) in case of a disproportionate number of applications after request by the national authority***.

Or. en

Justification

The task of personal interviews should be entrusted (when asked for by the State) only to experts deployed by EASO and appointed for that purpose and not by the authorities of other MS as this is relevant to one of the basic domains entrusted to each national State.So the help should come only when asked for and only through EASO.The personnel of the determining authority will be assisted by experts deployed by the European Union Agency for Asylum only in case of a disproportionate number of applications and only after request by the national authority.

Amendment 691
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The persons who conduct personal interviews on admissibility on applications or on substantive applications shall not wear a military or law enforcement uniform during those interviews.

Or. en

Justification

This has been moved from Article 11(3) as it is rather part of the requirements of a personal interview.It should also cover both admissibility and susbstantive interviews.

Amendment 692
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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. en

Amendment 693
Marina Albiol Guzmán

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	***deleted***

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.

Or. en

Amendment 694
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici, Birgit Sippel

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.	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 experts deployed by the European Union Agency for Asylum referred to in Article ***5(4 a)***, to conduct such interviews.

Or. en

Justification

Only the experts deployed by the European Union Agency for Asylum should be entitled to replace the determining authority of the Member State responsible for the purposes of the part in examination of applications.

Amendment 695

Elissavet Vozemberg-Vrionidi

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.	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 experts deployed by the European Union Agency for Asylum referred to in Article 5(4)(b), to conduct such interviews ***after request by the national authority***.

Or. en

Justification

The task of personal interviews should be entrusted (when asked for by the State) only to experts deployed by EASO and appointed for that purpose and not by the authorities of other MS as this is relevant to one of the basic domains entrusted to each national State.So the help should come only when asked for and only through EASO.The personnel of the determining authority will be assisted by experts deployed by the European Union Agency for Asylum only in case of a disproportionate number of applications and only after request by the national authority.

Amendment 696
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 12 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The personal ***interview may be omitted in the following situations*** where the determining authority:	The personal ***substantive interview on the application may be omitted*** where the determining authority:

Or. fr

Amendment 697
Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 12 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.	The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature. ***If, following consultation of that medical professional, it is clear that the condition making the applicant unfit or unable to be interviewed is of a temporary nature, the determining authority shall postpone the personal interview until such time as the applicant is fit to be interviewed.***

Or. en

Justification

There is no follow up to the medical consultation in the Commission proposal.It is important to ensure that a personal interview takes place wherever possible.If it needs to be postponed for medical reasons, then it should be so postponed.

Amendment 698
Jussi Halla-aho

Proposal for a regulation
Article 12 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority ***shall*** consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.	The absence of a personal interview pursuant to point (b) shall not adversely affect the decision of the determining authority. That authority shall give the applicant an effective opportunity to submit further information. When in doubt as to the condition of the applicant, the determining authority ***may*** consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.

Or. en

Amendment 699
Marina Albiol Guzmán

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission	*Amendment*
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.	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***, gender expression, sex characteristics,*** and vulnerability***, as well as the situation in his or her country of origin***. Personnel interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as ***being the survivor of a shipwreck or*** indications that the person may have been tortured in the past ***or be a victim of trafficking or of any other form of sexual orientation and gender-based violence***.

Or. en

Amendment 700
Jussi Halla-aho

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission	*Amendment*
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.	6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application. 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. en

Amendment 701
Péter Niedermüller, Marju Lauristin, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission	*Amendment*
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	6. The person conducting the interview shall be competent to take account of the personal and general circumstances surrounding the application, including the ***situation prevailing in the applicant's 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

indications that the person may have been tortured in the past.	adversely affect the applicant's ability to be interviewed, such as indications that the person may have been tortured in the past.

Or. en

Justification

This addition reflects the language used in Article33(2)(b) of the proposal.

Amendment 702
Emil Radev

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission	*Amendment*
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.	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 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. bg

Amendment 703
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 12 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The personnel interviewing applicants, including experts deployed by the European Union Agency for Asylum,	7. The personnel interviewing applicants, including experts deployed by the European Union Agency for Asylum,

shall have received relevant training in advance which shall include the elements listed in Article 7(5) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), including as regards international human rights law, Union asylum law, and rules on access to the international protection procedure, including for persons who could require ***special*** procedural guarantees.	shall have received relevant training in advance which shall include the elements listed in Article 7(5) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), including as regards international human rights law, Union asylum law, and rules on access to the international protection procedure, including for persons who could require ***specific*** procedural guarantees.

Or. en

Justification

Aligns the terminology with the EP position on other CEAS instruments, notably the Reception Conditions Directive

Amendment 704
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
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 he or she is able to communicate clearly.	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. ***Interpreters shall be competent to adequately translate statements related to personal and general circumstances surrounding the application, including the applicant's cultural origin, age, gender, sexual orientation, gender identity, gender expression, sex characteristics and vulnerability, avoiding incorrect, stereotypical and derogatory expressions.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.

Or. en

Amendment 705
Laura Ferrara

Proposal for a regulation
Article 12 – paragraph 8 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where requested by the applicant, the determining authority shall ensure that the interviewers and interpreters 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.	***deleted***

Or. it

Amendment 706
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 12 – paragraph 8 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where requested by the applicant, the determining authority shall ensure that the interviewers and interpreters 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***.	Where requested by the applicant, the determining authority shall ensure that the interviewers and interpreters are of the same sex as the applicant.

Or. en

Amendment 707
Emil Radev

Proposal for a regulation
Article 12 – paragraph 8 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where requested by the applicant, the determining authority ***shall*** ensure that the interviewers and interpreters 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.	Where requested by the applicant, the determining authority ***may*** ensure that the interviewers and interpreters 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. bg

Amendment 708
Marina Albiol Guzmán

Proposal for a regulation
Article 12 – paragraph 8 – subparagraph 2

Text proposed by the Commission	*Amendment*
Where requested by the applicant, the determining authority shall ensure that the interviewers and interpreters 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***.	The determining authority shall ensure that the interviewers and interpreters are of the same sex as the applicant provided that this is possible***. Both*** the determining authority ***and the interpreters shall have already received specific training on international law regarding asylum, as well as on identifying victims of trafficking, torture, victims of violence due to sexual orientation and gender-based violence***.

Or. en

Amendment 709
Marina Albiol Guzmán

Proposal for a regulation
Article 12 – paragraph 9

Text proposed by the Commission	*Amendment*
9. The absence of a personal interview shall not prevent the determining authority from taking a decision on an application for international protection.	***deleted***

Or. en

Amendment 710
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 12 – paragraph 9

Text proposed by the Commission	*Amendment*
9. The absence of a personal interview shall not prevent the determining authority from taking a decision on an application for international protection.	9. ***Without prejudice to Article 10, paragraph 1, and Article 11, paragraph 1, and provided that sufficient efforts have been made to ensure that the applicant has been afforded the opportunity of a personal interview,*** the absence of a personal interview shall not prevent the determining authority from taking a decision on an application for international protection.

Or. en

Justification

We might accept that some decisions will be taken without a personalinterview but Articles 11 and 12 provide a right of the applicant to suchinterviews and sufficient efforts on the part of

the determining authorities toensure a personal interview can take place are necessary before any decisioncan be taken without a personal interview.

Amendment 711
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 12 – paragraph 9

Text proposed by the Commission	*Amendment*
9. The absence of a personal interview shall not prevent the determining authority from taking a decision on an application for international protection.	9. The absence of a personal interview***, omitted in accordance with paragraph 5,*** shall not prevent the determining authority from taking a decision on an application for international protection.

Or. en

Justification

Paragraph 5 of this article states the acceptable reasons to omit the interview.It would seem to make sense in the interest of legislative clarity to link the right of the determining authority to proceed to a decision without having conducted an interview to this paragraph.

Amendment 712
Péter Niedermüller, Josef Weidenholzer, Ana Gomes, Caterina Chinnici, Birgit Sippel

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The determining authority or ***experts deployed by the European Union Agency for Asylum referred to in Article 5 (4 a)*** 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.

Or. en

Justification

Only the experts deployed by the European UnionAgency for Asylum should be entitled to replace the determining authority ofthe Member State responsible for the purposes of the part in examination of applications

Amendment 713
Marina Albiol Guzmán

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	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. ***A copy of the report will be given to the applicant.***

Or. en

Amendment 714
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission	*Amendment*
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.	1. The determining authority conducting the personal interview shall make a thorough and factual report containing all substantive elements ***and*** a transcript of every personal interview.

Or. en

Amendment 715
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes, Caterina Chinnici

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*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.	2. The personal interview shall be recorded using audio or audio-visual means of recording. The applicant shall be informed in advance of ***the fact of such a*** recording ***and the purpose of that recording. However, where the applicant is a minor, the child's best interests shall be a primary consideration in deciding whether the personal interview is audio-visually recorded***.

Or. en

Justification

The applicant should be informed of the purpose of therecording.In the case of minors, it should be decided whether it is in thebest interests of the child to make an audio-visual recording of the interview.

Amendment 716
Jeroen Lenaers

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*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.	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 his or her consent shall be required***.

Or. en

Amendment 717
Ska Keller

on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*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.	2. The personal interview shall be recorded using audio or audio-visual means of recording. The applicant shall be informed in advance of ***and give his or her consent to*** such recording.

Or. en

Amendment 718
Marina Albiol Guzmán

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission	*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.	2. The personal interview shall be recorded using audio means of recording. The applicant shall be informed in advance of such recording ***and the use that will be made of it***.

Or. en

Amendment 719
Marina Albiol Guzmán

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*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	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.	or in the transcript, within a specified time limit before the determining authority takes a decision ***and after having received a copy*** of the report***, translated into a language he or she understands, and having received legal counsel***. The applicant shall then be requested to confirm that the content of the report or the transcript correctly reflects the personal ***interview, and shall be given the opportunity to add elements or correct it, and to check that the additions and/or corrections have been made to the report of the*** interview.
	Or. en

Amendment 720
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*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 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.	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 ***or other factual mistakes*** 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.
	Or. en

Amendment 721
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission	*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 ***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.	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 ***and*** 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 ***and*** 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 ***and*** the transcript correctly reflects the personal interview.

Or. en

Justification

It would seem sensible that applicants have the right to provide comments and clarification on both the report and the transcript.

Amendment 722
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***Applicants and their*** legal ***advisers or other counsellors shall*** have access to the report ***or*** the transcript and the	5. ***The determining authority shall ensure that the applicant and/or the guardian, the*** legal ***advisor or counsellor who is representing the applicant*** have access to the report ***and*** the transcript and

recording before the determining authority takes a decision.	the recording ***as soon as possible after the interview, and in any case in due time*** before the determining authority takes a decision.

Or. en

Justification

Clarification in order to ensure applicants have access to the basic documents upon which decisions on the application will be based.

Amendment 723
Jussi Halla-aho

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission	*Amendment*
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.	5. Applicants and their legal advisers shall have access to the report or the transcript and the recording before the determining authority takes a decision.

Or. en

Amendment 724
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording at the same time as the decision is made.	***deleted***

Or. en

Amendment 725
Marina Albiol Guzmán

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording at the same time as the decision is made.	***deleted***

Or. en

Amendment 726
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording ***at the same time as*** the decision is made.	6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording ***from the time at which*** the decision is made.

Or. fr

Amendment 727
Miltiadis Kyrkos

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording ***at the same time as the*** decision is made.	6. Where the application is examined in accordance with the accelerated examination procedure, the determining authority may grant access to the report or the transcript of the recording ***before a*** decision is made.

Or. en

Amendment 728
Jussi Halla-aho

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
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***.	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. en

Amendment 729
Péter Niedermüller, Birgit Sippel, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
7. The responsible authorities shall store either the recording or the transcript for ***ten years*** from the date of a final	7. The responsible authorities shall store either the recording or the transcript for ***one year*** 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.	decision ***on the application, including on all levels of appeal***. 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. en

Justification

It is possible, in the context of subsequentapplications, that a recording of the personal interview might be useful aftera final decision on an application has been made.However, given the time limits for dealing with applications generally, and subsequent applications in particular, it is impossible to understand why the recording would be retained for a period of ten years.One year after a final decision should be more than sufficient.

Amendment 730
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
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.	7. The responsible authorities shall store the recording ***and*** the transcript for ten years from the date of a final decision. The recording shall be erased ***and the transcript destroyed*** 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. en

Amendment 731
Kinga Gál

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
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.	7. ***It*** shall ***be for the Member States to determine the storage period for the recording or the transcript***. 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. hu

Amendment 732
Marina Albiol Guzmán

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
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.	7. The responsible authorities shall store either the recording or the transcript for ***two*** years from the date of ***the*** 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. en

Amendment 733
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission	*Amendment*
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.	7. The responsible authorities shall store either the recording or the transcript for ***five*** 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. en

Justification

The shorter data retention period corresponds to the new data retention periods agreed in the EP position on Eurodac

Amendment 734
Péter Niedermüller, Marju Lauristin, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission	*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.	1. ***As soon as an application for international protection has been registered by the responsible authorities in accordance with Article 27, the applicant*** 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.

Or. en

Justification

The applicant must have legal assistance and representation in good timefor lodging his or her application (in accordance with the three-step processset out in the Commission proposal).As soon as a Member State has registeredan application, an applicant should be entitled to legal assistance andrepresentation.

Amendment 735
Jussi Halla-aho

Proposal for a regulation
Article 14 – paragraph 1

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

Or. en

Amendment 736
Péter Niedermüller, Marju Lauristin, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free	2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. ***As soon as an application for international protection has been registered by the responsible authorities in accordance with Article 27,***

legal assistance and representation at all stages of the procedure.	the applicant shall be informed of his or her right to request free legal assistance and representation at all stages of the procedure.

Or. en

Justification

Amendment tabled for consistency with the amendment to Article 14(1).

Amendment 737
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at all stages of the procedure.	2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall ***effectively*** be informed ***as soon as possible and at the latest when registering the application*** of his or her right to request free legal assistance and representation at all stages of the procedure.

Or. en

Amendment 738
Marina Albiol Guzmán

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*

2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at all stages of the procedure.	2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at all stages of the procedure***, and as soon as the wish to receive international protection has been declared***.

Or. en

Amendment 739
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at ***all stages*** of the procedure.	2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at ***the stage*** of the ***appeal*** procedure.

Or. en

Justification

In some Member States free legal assistance is not provided at the administrative level.

Amendment 740
Jussi Halla-aho

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at ***all stages*** of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at ***all stages*** of the procedure.	2. Without prejudice to the applicant's right to choose his or her own legal adviser or other counsellor at his or her own cost, an applicant may request free legal assistance and representation at ***appeal stage*** of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at ***appeal stage*** of the procedure.

Or. en

Amendment 741
Péter Niedermüller, Marju Lauristin, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. ***As soon as an application for international protection has been registered by the responsible authorities in accordance with Article 27,*** 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.

Or. en

Justification

Amendment tabled for consistency with earlier amendments to Article 14

Amendment 742
Marina Albiol Guzmán

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. Member States shall 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 expressed and, in any event, within two days of that declaration***.

Or. en

Amendment 743
Jeroen Lenaers

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. Member States shall, at the request of the applicant ***and as soon as possible after the application has been lodged***, 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.

Or. en

Amendment 744
Jussi Halla-aho

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. Member States shall, at the request of the applicant, provide free legal assistance and representation in the appeal procedure provided for in Chapter V.

Or. en

Amendment 745
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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***.	1. Member States shall, at the request of the applicant, provide free legal assistance and representation ***for matters relating to their applications at all stages of the*** procedure.

Or. en

Justification

Free legal assistance should be available at all stages of the procedure

Amendment 746
Maria Grapini

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. Member States ***may***, 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.

Or. ro

Amendment 747
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Bodil Valero, Judith Sargentini

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission	*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.	1. Member States shall 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.

Or. en

Amendment 748
Jussi Halla-aho

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission	*Amendment*
2. For the purposes of the administrative procedure, the free legal assistance and representation shall, at least, include:	***deleted***
(a) the provision of information on the procedure in the light of the applicant's individual circumstances;	
(b) assistance in the preparation of the application and personal interview, including participation in the personal interview as necessary;	
(c) explanation of the reasons for and consequences of a decision refusing to grant international protection as well as	

information as to how to challenge that decision.

Or. en

Amendment 749
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 15 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. For the purposes of the ***administrative*** procedure, the free legal assistance and representation shall, at least, include:	2. For the purposes of the ***appeal*** procedure, the free legal assistance and representation shall, at least, include:

Or. en

Justification

In some Member States free legal assistance is not provided at the administrative level.

Amendment 750
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Caterina Chinnici, Elly Schlein, Cécile Kashetu Kyenge, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 15 – paragraph 2 – point –a (new)

Text proposed by the Commission	*Amendment*
	(-a) assistance in preparing and lodging the application in accordance with Article 28;

Or. en

Justification

It is important to make it clear that the applicant should be entitledto legal assistance and representation before the lodging of theapplication,as this is an importantadministrative step in the procedure

Amendment 751
Péter Niedermüller, Birgit Sippel, Marju Lauristin, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission	*Amendment*
(b) assistance in the preparation of the application and personal interview, including participation in the personal interview ***as necessary***;	(b) assistance in the preparation of the application and personal interview, including participation in the personal interview;

Or. en

Justification

It is important to ensure the possibility of legal assistance for participating in the personal interviews in any cases.

Amendment 752
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(b) assistance in the preparation of the application and personal interview, including participation in the personal interview ***as necessary***;	(b) assistance in the preparation of the application and personal interview, including participation in the personal interview;

Or. en

Amendment 753
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(b) assistance in the preparation of the application and personal interview**,** ***including*** participation in the personal interview ***as necessary***;	(b) assistance in the preparation of the application and personal interview ***and*** participation in the personal interview;

Or. en

Amendment 754
Jussi Halla-aho

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The provision of free legal assistance and representation in the administrative procedure may be excluded where:	***deleted***
(a) the applicant has sufficient resources;	
(b) the application is considered as not having any tangible prospect of success;	
(c) the application is a subsequent application.	

Or. en

Amendment 755
Marina Albiol Guzmán

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The provision of free legal assistance and representation in the administrative procedure may be excluded where:	***deleted***

(a) the applicant has sufficient resources;

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

(c) the application is a subsequent application.

Or. en

Amendment 756
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The provision of free legal assistance and representation in the administrative procedure may be excluded where:	***deleted***
(a) the applicant has sufficient resources;	
(b) the application is considered as not having any tangible prospect of success;	
(c) the application is a subsequent application.	

Or. en

Justification

In some Member States free legal assistance is not provided at the administrative level.

Amendment 757
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

Text proposed by the Commission	*Amendment*
(b) the application is considered as not having any tangible prospect of success;	***deleted***

Or. en

Justification

This provision would run the risk of being interpreted in a too far reaching way by authorities and should be deleted

Amendment 758
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(b) the application is considered as not having any tangible prospect of success;	***deleted***

Or. en

Amendment 759
Péter Niedermüller, Kati Piri, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission	*Amendment*
(b) the application is considered as not having any tangible prospect of success;	***deleted***

Or. en

Justification

This is in line with the Parliament's position adoptedin the Reception Conditions Directive.

Amendment 760
Jeroen Lenaers

Proposal for a regulation

Article 15 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) the application is considered as ***not having any tangible*** prospect of success;	(b) The application is considered as ***clearly lacking substantive elements and therefore has no*** prospect of success;

Or. en