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AMENDMENTS
1118 - 1347

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 1118
Jussi Halla-aho

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

Text proposed by the Commission	*Amendment*
3. The determining authority may extend that time-limit ***of six months*** by a period of not more than ***three*** months, where:	3. The determining authority may extend that time-limit by a period of not more than ***two*** months, where:

Or. en

Amendment 1119
Jussi Halla-aho

Proposal for a regulation
Article 34 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) a disproportionate number of third-country nationals or stateless persons simultaneously apply for international protection, making it difficult in practice to conclude the procedure within the ***six-month*** time limit;	(a) a disproportionate number of third-country nationals or stateless persons simultaneously apply for international protection, making it difficult in practice to conclude the procedure within the time limit;

Or. en

Amendment 1120
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 34 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The determining authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time-limits	***deleted***

laid down in paragraph 2 and in Article 40(4) as regards the accelerated examination procedure due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the determining authority shall:

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

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

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

Or. en

Justification

The provision seems excessively arbitrary and could cause unwarranted delays in processing of applications

Amendment 1121
Marina Albiol Guzmán

Proposal for a regulation
Article 34 – paragraph 5

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

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

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

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

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

Or. en

Amendment 1122
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 34 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The determining authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time-limits laid down in paragraph 2 and in Article 40(4) as regards the accelerated examination procedure due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the determining authority shall:	***deleted***
(a) conduct reviews of the situation in that	

country of origin at least every two months;

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

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

Or. en

Amendment 1123
Péter Niedermüller, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 34 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
The determining authority may postpone concluding the examination procedure where it cannot reasonably be expected to decide within the time-limits laid down in paragraph 2 and in Article 40(4) as regards the accelerated examination procedure due to an uncertain situation in the country of origin which is expected to be temporary. In such cases, the determining authority shall:	***deleted***
(a) conduct reviews of the situation in that country of origin at least every two months;	
(b) inform the applicants concerned within a reasonable time of the reasons for the postponement.	

Or. en

Justification

An application for international protection cannot simply be put on hold indefinitely. Apart from rendering meaningless the time-limits established earlier in the Article, it provides no legal certainty for the applicant or for the administration, and establishes a major obstacle to integration in the host society for the applicant who is awaiting the decision on his or her application.

Amendment 1124
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 34 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) conduct reviews of the situation in that country of origin at least every two months;	(a) conduct reviews of the situation in that country of origin at least every two months; ***these reviews will be undertaken from competent bodies at EU level.***

Or. en

Justification

This exceptional procedure should be based on a common approach and guidance at EU level.

Amendment 1125
Jeroen Lenaers

Proposal for a regulation
Article 34 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) inform the applicants concerned ***within a reasonable time of the reasons for the postponement.***	(b) inform the applicants concerned ***as soon as possible about the reasoning behind the decision to temporarily postpone the final decision on the application***

Or. en

Amendment 1126
Jeroen Lenaers

Proposal for a regulation
Article 34 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
The Member State shall inform the Commission and the European Union Agency for Asylum within a reasonable time of the postponement of procedures for that country of origin. In any event, the determining authority shall conclude the examination procedure within ***15*** months from the lodging of an application.	The Member State shall inform the Commission and the European Union Agency for Asylum within a reasonable time of the postponement of procedures for that country of origin. In any event, the determining authority shall conclude the examination procedure within ***12*** months from the lodging of an application.

Or. en

Amendment 1127
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.	1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant ***and his or her legal adviser or other counsellor*** without undue delay ***and in any case no later than seven days after the decision has been taken*** in a language he or she understands or is reasonably meant to understand.

Or. en

Justification

The decision should also be sent to the applicant's legal adviser. It is important that a deadline is imposed for notification to the applicant, in particular to allow the applicant to comply with any deadlines for appealing the decision taken.

Amendment 1128
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.	1. A decision on an application for international protection shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand***, and where possible using simple language***.

Or. en

Amendment 1129
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 35 – paragraph 1

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

Or. en

Justification

Clarification intended to improve the provision of information

Amendment 1130
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation

Article 35 – paragraph 1

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

Or. en

Amendment 1131
Marina Albiol Guzmán

Proposal for a regulation
Article 35 – paragraph 1

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

Or. en

Amendment 1132
Marina Albiol Guzmán

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status or subsidiary protection status, as explicitly withdrawn or as abandoned, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a	***deleted***

decision refusing to grant international protection shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Amendment 1133
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 35 – paragraph 2

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

Or. en

Amendment 1134
Beatrix von Storch

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status ***or subsidiary protection status***, as explicitly withdrawn or as abandoned, the reasons in fact and in law shall be stated in the decision. Information	2. Where an application is rejected as inadmissible, as unfounded with regard to refugee status, as explicitly withdrawn or as abandoned, the reasons in fact and in law shall be stated in the decision. Information on how to challenge a decision

on how to challenge a decision refusing to grant international protection shall be given in writing, unless otherwise already provided to the applicant.

refusing to grant international protection shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Amendment 1135
Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 35 – paragraph 2

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

Or. en

Justification

The information on how to appeal a decision should include details of the relevant deadlines. This information should always be given in writing.

Amendment 1136
Marina Albiol Guzmán

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the application is based on the	3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the application is based on the

same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, ***gender-based violence, trafficking,*** sexual orientation, gender identity***, gender expression, sex characteristics,*** or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

Or. en

Amendment 1137
Jussi Halla-aho

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the application is based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests***, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution***. In such cases, a separate decision shall be issued to the person concerned.	3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the application is based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests. In such cases, a separate decision shall be issued to the person concerned.

Or. en

Amendment 1138
Emil Radev

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases of applications on behalf of ***spouses, partners,*** minors or dependent adults without legal capacity, and whenever the application is based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender***, sexual orientation, gender identity*** or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.	3. In cases of applications on behalf of minors or dependent adults without legal capacity, and whenever the application is based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

Or. bg

Amendment 1139
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the ***application is*** based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.	3. In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity, and whenever the ***applications are all*** based on the ***exact*** same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

Or. en

Justification

For clarity

Amendment 1140
Sergei Stanishev

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***In cases of applications on behalf of spouses, partners, minors or dependent adults without legal capacity,*** and whenever the ***application is*** based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.	3. ***Where a Member State decides to examine applications of family members jointly*** and whenever the ***applications are*** based on the same grounds, the determining authority may take a single decision, covering all applicants, unless to do so would lead to the disclosure of particular circumstances of an applicant which could jeopardise his or her interests, in particular in cases involving gender, sexual orientation, gender identity or age-based persecution. In such cases, a separate decision shall be issued to the person concerned.

Or. en

Justification

In line with previous amendments to provide a possibility for Member States for joint examination of applications.

Amendment 1141
Marina Albiol Guzmán

Proposal for a regulation
Article 36

Text proposed by the Commission	*Amendment*
Article 36	***deleted***
Decision on the admissibility of the	

application

1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and shall reject an application as inadmissible where any of the following grounds applies:

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

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

(c) the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation) or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant;

(d) a spouse or partner or accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.

2. An application shall not be examined on its merits in the cases where an application is not examined in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), including when another Member State has granted international protection to the applicant, or where an application is rejected as

inadmissible in accordance with paragraph 1.

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

4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.

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

_____

[37] OJ L […], […], p. […].

Or. en

Amendment 1142
Sergei Stanishev

Proposal for a regulation
Article 36

Text proposed by the Commission	*Amendment*
Article 36	***deleted***
Decision on the admissibility of the application	
1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and shall reject an application as	

inadmissible where any of the following grounds applies:

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

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

(c) the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation) or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant;

(d) a spouse or partner or accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.

2. An application shall not be examined on its merits in the cases where an application is not examined in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), including when another Member State has granted international protection to the applicant, or where an application is rejected as inadmissible in accordance with paragraph 1.

3. Paragraph 1(a) and (b) shall not apply to a beneficiary of subsidiary protection who has been resettled under an expedited procedure in accordance with Regulation

(EU) No XXX/XXX (Resettlement Regulation).[37]

4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.

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

_____

[37] OJ L […], […], p. […].

Or. en

Justification

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

Amendment 1143
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission	*Amendment*
1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and shall reject an application as inadmissible where any of the following grounds applies:	***deleted***
(a) a country which is not a Member State	

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

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

(c) the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation) or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant;

(d) a spouse or partner or accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.

Or. en

Amendment 1144
Jeroen Lenaers

Proposal for a regulation
Article 36 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and shall reject an application as inadmissible where any of the following grounds	1. ***Where there are indications that the grounds stated in this paragraph exist,*** the determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and

applies:	shall reject an application as inadmissible where any of the following grounds applies:

Or. en

Amendment 1145
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 36 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***shall*** reject an application as inadmissible where any of the following grounds applies:	1. The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***may*** reject an application as inadmissible where any of the following grounds applies:

Or. fr

Amendment 1146
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 36 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall*** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***shall*** reject an application as inadmissible where any of the following grounds applies:	1. The determining authority ***may*** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***may*** reject an application as inadmissible where any of the following grounds applies:

Or. en

Justification

Admissibility procedures should remain optional in order to maintain flexibility for Member States.

Amendment 1147
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 36 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall*** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***shall*** reject an application as inadmissible where any of the following grounds applies:	1. The determining authority ***may*** assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and ***may*** reject an application as inadmissible where any of the following grounds applies:

Or. en

Justification

The admissibility test should not be imposed on Member States. It should remain an optional part of the asylum procedure.

Amendment 1148
Elly Schlein, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Ana Gomes

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

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

Or. en

Amendment 1149
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(a) a country which is not a Member State is considered to be a first country of asylum for the applicant pursuant to Article 44, ***unless it is clear that the applicant will not be admitted or*** readmitted to that country;	(a) a country which is not a Member State is considered to be a first country of asylum for the applicant pursuant to Article 44, ***provided that he or she shall be*** readmitted to that country;

Or. en

Amendment 1150
Elly Schlein, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Ana Gomes

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

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

Or. en

Amendment 1151
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*

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

Or. en

Amendment 1152
Elly Schlein, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Ana Gomes

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

Text proposed by the Commission	*Amendment*
(c) the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation) or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant;	***deleted***

Or. en

Amendment 1153
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(d) a spouse or partner or accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf,	***deleted***

and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.

Or. en

Amendment 1154
Péter Niedermüller, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

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

Text proposed by the Commission	*Amendment*
(d) a spouse or partner or accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.	(d) a spouse or partner or accompanied minor lodges an application after he or she had consented***, in accordance with Article 31,*** to have an application lodged on his or her behalf, and there are no facts relating to the situation of the spouse, partner or minor which justify a separate application.

Or. en

Justification

It is important to be clear regarding how a spouse, partner or accompanied minor consents to having an application lodged on his or her behalf.

Amendment 1155
Emil Radev

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

Text proposed by the Commission	*Amendment*
r) ***a spouse or partner or*** accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the ***spouse, partner or*** minor which justify a separate application.	r) ***an*** accompanied minor lodges an application after he or she had consented to have an application lodged on his or her behalf, and there are no facts relating to the situation of the minor which justify a separate application.

Or. bg

Amendment 1156
Elly Schlein, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission	*Amendment*
2. An application shall not be examined on its merits in the cases where an application is not examined in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), including when another Member State has granted international protection to the applicant, or where an application is rejected as inadmissible in accordance with paragraph 1.	***deleted***

Or. en

Amendment 1157
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission	*Amendment*
2. An application shall not be examined on its merits in the cases where an application is not examined in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), including when another Member State has granted international protection to the applicant***, or where an application is rejected as inadmissible in accordance with paragraph 1***.	2. An application shall not be examined on its merits in the cases where an application is not examined in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), including when another Member State has granted international protection to the applicant.

Or. en

Amendment 1158
Jussi Halla-aho

Proposal for a regulation
Article 36 – paragraph 3

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

_____

[37] OJ L […], […], p. […].

Or. en

Amendment 1159
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 36 – paragraph 3

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

_____

[37] OJ L […], […], p. […].

Or. en

Amendment 1160
Jeroen Lenaers

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Paragraph 1(a) and (b) shall not apply to a beneficiary of ***subsidiary*** protection who has been resettled ***under an expedited procedure*** in accordance with Regulation (EU) No XXX/XXX (Resettlement Regulation).[37]	3. Paragraph 1(a) and (b) shall not apply to a beneficiary of ***international*** protection who has been resettled in accordance with Regulation (EU) No XXX/XXX (Resettlement Regulation).[37]
[37] OJ L […], […], p. […].	[37] OJ L […], […], p. […].

Or. en

Amendment 1161
Péter Niedermüller, Birgit Sippel, Ana Gomes, Josef Weidenholzer, Caterina Chinnici

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.	***deleted***

Or. en

Justification

In line with amendments tabled to the Dublin Regulation, there will be no admissibility test carried out under that Regulation. For consistency purposes, we must delete the reference to admissibility tests in the first MS.

Amendment 1162
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.	***deleted***

Or. en

Amendment 1163
Elly Schlein, Juan Fernando López Aguilar, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where after examining an application in accordance with Article 3(3)(a) of Regulation (EU) No XXX/XXX (Dublin Regulation), the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the Member State responsible.	***deleted***

Or. en

Amendment 1164

Péter Niedermüller, Birgit Sippel, Josef Weidenholzer, Ana Gomes, Elly Schlein, Cécile Kashetu Kyenge

Proposal for a regulation
Article 36 – paragraph 5

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

Or. en

Justification

Consistency with earlier amendments. As the admissibility test is not obligatory, there is no need to provide Member States with the option of pronouncing swiftly on the merits of the application. Nothing stops the determining authority from making a swift decision on any application, provided that it carries out the necessary personal interview and assesses the relevant evidence in a comprehensive manner..

Amendment 1165
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 36 – paragraph 5

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

Or. en

Amendment 1166
Jeroen Lenaers

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where the determining authority prima facie considers that an application may be rejected as manifestly unfounded, it shall not be obliged to pronounce itself on the admissibility of the application.	5. Where the determining authority prima facie considers that an application may be rejected as manifestly unfounded ***in accordance with Article 37(3)***, it shall not be obliged to pronounce itself on the admissibility of the application.

Or. en

Amendment 1167
Beatrix von Storch

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission	*Amendment*
1. When examining an application on the merits, the determining authority shall take a decision on whether the applicant qualifies as a refugee ***and, if not, it shall determine whether the applicant is eligible for subsidiary protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation)***.	1. When examining an application on the merits, the determining authority shall take a decision on whether the applicant qualifies as a refugee.

Or. en

Amendment 1168
Marina Albiol Guzmán

Proposal for a regulation
Article 37 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The determining authority shall reject an application as unfounded where it has established that the applicant does not qualify for international protection	2. The determining authority shall reject an application as unfounded where it has established that the applicant does not qualify for international protection

pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).	pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation). ***The applicant has the right to an effective remedy and shall be able to challenge this decision in court.***

Or. en

Amendment 1169
Jeroen Lenaers

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission	*Amendment*
3. ***The determining authority shall declare an unfounded application to be manifestly unfounded in the cases referred to*** in Article 40(1)(a), (b), (c), (d) and (e).	3. ***Where there are indications that the grounds stated*** in Article 40(1)(a), (b), (c), (d) and (e) ***exist, the determining authority shall declare an unfounded application to be manifestly unfounded***.

Or. en

Amendment 1170
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 37 – paragraph 3

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

Or. en

Justification

Coming from a safe country or origin shall not constitute an automatic ground for considering the application to be manifestly unfounded as the person might well have individual protection needs even if coming from a safe country of origin.

Amendment 1171
Marina Albiol Guzmán

Proposal for a regulation
Article 37 – paragraph 3

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

Or. en

Amendment 1172
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 37 – paragraph 3

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

Or. en

Amendment 1173
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The determining authority ***shall*** declare an unfounded application to be manifestly unfounded in the cases referred	3. The determining authority ***may*** declare an unfounded application to be manifestly unfounded in the cases referred

to in Article ***40(1)(a),*** (b), (c)***, (d) and (e)***.	to in Article ***40(1)*** (b), (c) ***and (d)***.

Or. en

Justification

As a finding that an application is manifestly unfounded has implications for the possible return of the applicant, it should be used only where it is appropriate. That should be assessed by the determining authority based on the circumstances of the individual case and not imposed by Union law.

Amendment 1174
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission	*Amendment*
1. An applicant may, of his or her own motion and at any time during the procedure, withdraw his or her application.	1. An applicant may, of his or her own motion and at any time during the procedure, withdraw his or her application. ***The determining authority shall ensure that the applicant understands all procedural consequences of such a decision.***

Or. en

Justification

It is crucial that the applicant understands the (significant) consequences of explicitly withdrawing their application.

Amendment 1175
Marina Albiol Guzmán

Proposal for a regulation
Article 39

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

Or. en

Amendment 1176
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – title

Text proposed by the Commission	*Amendment*
Implicit withdrawal of applications	***Discontinuation of a decision on the merits of an application***

Or. en

Amendment 1177
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall reject an application as abandoned*** where:	1. The determining authority ***may discontinue a decision on the merits of an application*** where:

Or. en

Amendment 1178
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority shall	1. The determining authority shall reject an application as ***implicitly***

reject an application as ***abandoned*** where:

withdrawn where:

Or. en

Justification

For consistency with the title of the Article.

Amendment 1179
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority shall reject an application as ***abandoned*** where:	1. The determining authority shall reject an application as ***withdrawn*** where:

Or. en

Amendment 1180
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant has not lodged his or her application in accordance with Article 28, despite having had an effective opportunity to do so;	(a) the applicant has not lodged his or her application in accordance with Article 28, despite having had an effective opportunity to do so ***and having been informed about the consequences of not lodging the application within the time-limit***;

Or. en

Amendment 1181
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant has not lodged his or her application in accordance with Article 28, despite having had an effective opportunity to do so***;***	(a) ***three months following the registration and despite being reminded by the determining authority*** the applicant has not lodged his or her application in accordance with Article 28, despite having had an effective opportunity to do so

Or. en

Justification

Missing the deadlines with a few days should not lead to draconian measures such as an implicit withdrawal as such a procedure would likely lead to dramatic increases of costly and time-consuming appeals procedures. Further the authorities should have an obligation to remind the applicant to lodge their application in order to counter problems where the applicant has not understood that they need to lodge the application or where a lodged application has been lost.

Amendment 1182
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a spouse, partner or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);	***deleted***

Or. en

Amendment 1183
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a spouse, partner or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);	(b) ***three months following the registration and despite being reminded by the determining authority*** a spouse, partner or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);

Or. en

Justification

Missing the deadlines with a few days should not lead to draconian measures such as an implicit withdrawal as such a procedure would likely lead to dramatic increases of costly and time-consuming appeals procedures. Further the authorities should have an obligation to remind the applicant to lodge their application in order to counter problems where the applicant has not understood that they need to lodge the application or where a lodged application has been lost.

Amendment 1184
Emil Radev

Proposal for a regulation
Article 39 – paragraph 1 – point б

Text proposed by the Commission	*Amendment*
б) ***a spouse, partner or*** minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);	б) ***a*** minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);

Or. bg

Amendment 1185
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
b) a spouse***, partner*** or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);	b) a spouse or minor has not lodged his or her application after the applicant failed to lodge the application on his or her own behalf as referred to in Article 31(3) and (8);

Or. hu

Amendment 1186
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the applicant refuses to cooperate by not providing the necessary details for the application to be examined ***and*** by not ***providing his or her fingerprints and facial image*** pursuant to Article 7(3);	(c) the applicant refuses to cooperate by not providing the necessary details ***referred to in points (a) and (b) of the second paragraph of Article 27(1)*** for the application to be examined ***or*** by not ***complying with the process of taking biometric data*** pursuant to Article 7(3);

Or. en

Amendment 1187
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the applicant refuses to cooperate by not providing the necessary details for the application to be examined ***and*** by not providing his or her fingerprints and facial image pursuant to Article 7(3);	(c) the applicant refuses to cooperate by not providing ***all*** the necessary details for the application to be examined ***or*** by not providing his or her fingerprints and facial image pursuant to Article 7(3) ***or by noncompliance with Article 7(7)***;

Or. en

Amendment 1188
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the applicant refuses to cooperate by not providing the ***necessary*** details ***for the application to be examined and by not providing his or her fingerprints and facial image pursuant to Article 7(3)***;	(c) the applicant refuses to cooperate by not providing the details ***listed in Article 27(1)(a) and (b) for purpose of the examination of an application***;

Or. en

Amendment 1189
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) the applicant refuses to cooperate by not providing the necessary details ***for the application to be examined and by not providing his or her fingerprints and facial image pursuant to*** Article ***7(3)***;	(c) the applicant refuses to cooperate by not providing the necessary details ***in accordance with points (a) and (b) of the first paragraph of*** Article ***27***;

Or. en

Justification

The minimum details which an applicant needs to provide are set out in Article 27(1). If there is no evidence that protection is needed then an application can be rejected as unfounded but for a decision to be reached that the application has been implicitly withdrawn, it should be clear that the applicant has not provided the minimum details required about him or herself.

Amendment 1190
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) the applicant has not appeared for a personal interview although he was required to do so pursuant to Articles 10 to 12;	***deleted***

Or. en

Justification

It is reasonable that authorities may proceed to take a decision on the substantive merits of the application without conducting the interview if the applicant does not appear for the interview. It would however be draconian and lead to considerable number of costly and time-consuming appeals to consider this a ground for implicit withdrawal.

Amendment 1191
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – point d

Text proposed by the Commission	*Amendment*
(d) the applicant has not appeared for a personal interview although he was required to do so pursuant to Articles 10 to 12;	(d) the applicant has***, on more than one occasion and without reasonable explanation,*** not appeared for a personal interview although he was required to do so pursuant to Articles 10 to 12;

Or. en

Amendment 1192
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 1 – point e

Text proposed by the Commission	*Amendment*

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

Or. en

Justification

The determining authorities should be able to continue the in-merits evaluation of the applicants case even if he or she has left their place of residence. It would however be draconian and lead to considerable number of costly and time-consuming appeals to consider this a ground for implicit withdrawal.

Amendment 1193
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the applicant has abandoned his place of residence, without informing the competent authorities or without authorisation as provided for in Article 7(4);	***deleted***

Or. en

Amendment 1194
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the applicant has abandoned his place of residence, without informing the competent authorities or without authorisation as provided for in Article	***deleted***

7(4);

Or. en

Justification

The applicant can only be considered to have explicitly withdrawn his or her application where he or she does not carry out the necessary procedural steps. Thereafter, it is up to the determining authority to reach a decision on the application

Amendment 1195
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with Article 7(5).	***deleted***

Or. en

Justification

Follow the change in Article 7 (5).

Amendment 1196
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) the applicant has repeatedly not complied with reporting duties imposed on him or her in accordance with Article 7(5).	***deleted***

Or. en

Justification

The determining authorities should be able to continue the in-merits evaluation of the applicants case even if he or she has not responded to reporting obligations. It would however be draconian and lead to considerable number of costly and time-consuming appeals to consider this a ground for implicit withdrawal.

Amendment 1197
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) the applicant has ***repeatedly*** not complied with reporting duties imposed on him or her in accordance with Article 7(5).	(f) the applicant has***, one more than one occasion,*** not complied with reporting duties imposed on him or her in accordance with Article 7(5).

Or. en

Amendment 1198
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 1 – point f

Text proposed by the Commission	*Amendment*
(f) the applicant has ***repeatedly*** not complied with ***reporting duties*** imposed on him or her in accordance with Article 7(5).	(f) the applicant has not complied with ***responsibilities*** imposed on him or her in accordance with Article 7(5) ***and 7(6)***.

Or. en

Amendment 1199
Maria Grapini

Proposal for a regulation
Article 39 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(fa) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision;

Or. ro

Amendment 1200
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. (g) the applicant violates the obligations set out in Article 4(1) and Article 20(3) of Regulation (EU) No XXX/XXX (Dublin Regulation), without being able to demonstrate that the violation was due to circumstances beyond his or her control.

Or. en

Amendment 1201
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission	*Amendment*
(2) In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4),	***deleted***

informing him or her that the examination of his or her application has been discontinued and that the application will be definitely rejected as abandoned unless the applicant reports to the determining authority within a period of one month from the date when the written notice is sent.

Or. hu

Amendment 1202
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her ***that the examination of his or her application has been discontinued and*** that the application ***will be definitely rejected as abandoned unless*** the applicant ***reports to the determining authority within a period of one month from the date when the written notice is sent***.	2. In the circumstances referred to in paragraph 1, ***and where the applicant has been properly informed by the responsible authorities at the beginning of the procedure of his or her obligations referred to in this regulation and the consequences deriving from not adhering to these obligations,*** the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her ***about the decision to reject the application as implicitly withdrawn or as unfounded where the determining authority has, at the stage*** that the application ***is implicitly withdrawn, already found that*** the applicant ***does not qualify for international protection pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).*** .

Or. en

Amendment 1203
Péter Niedermüller, Josef Weidenholzer, Caterina Chinnici, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 2

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

Or. en

Justification

For consistency with the title of the Article.

Amendment 1204
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application will be definitely rejected as abandoned unless	2. In the circumstances referred to in paragraph 1, the determining authority shall discontinue the examination of the application and send a written notice to the applicant at the place of residence or address referred to in Article 7(4), informing him or her that the examination of his or her application has been discontinued and that the application will be definitely rejected as abandoned unless

the applicant reports to the determining authority within a period of ***one month*** from the date when the written notice is sent.	the applicant reports to the determining authority within a period of ***three months*** from the date when the written notice is sent.

Or. en

Justification

One month is very short and not realistic period of time.

Amendment 1205
Miltiadis Kyrkos

Proposal for a regulation
Article 39 – paragraph 2

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

Or. en

Amendment 1206
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In the circumstances referred to in	2. In the circumstances referred to in

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

Or. en

Amendment 1207
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 2

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

Or. en

Justification

This timeframe is aligned with the current Asylum Procedures Directive.

Amendment 1208
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the applicant reports to the determining authority within that one-month period and demonstrates that his or her failure was due to circumstances beyond his or her control, the determining authority shall resume the examination of the application.	***deleted***

Or. en

Amendment 1209
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission	*Amendment*
(3) Where the applicant reports to the determining authority within that one-month period and demonstrates that his or her failure was due to circumstances beyond his or her control, the determining authority shall resume the examination of the application.	***deleted***

Or. hu

Amendment 1210
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the applicant reports to the determining authority within that one-month period ***and demonstrates that his or her failure was due to circumstances beyond his or her control,*** the determining authority shall resume the examination of the application.	3. Where the applicant reports to the determining authority within that one-month period the determining authority shall resume the examination of the application.

Or. en

Justification

The requirement to provide evidence that any failures to report were due to circumstances beyond the control of the applicant would risk leading to additional legal disputes prolonging the application process. It would seem more straight-forward to simply resume the process.

Amendment 1211
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the applicant reports to the determining authority within that ***one-month*** period and demonstrates that his or her failure was due to circumstances beyond his or her control, the determining authority shall resume the examination of the application.	3. Where the applicant reports to the determining authority within that ***two-week*** period and demonstrates that his or her failure was due to circumstances beyond his or her control, the determining authority shall resume the examination of the application.

Or. en

Amendment 1212
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 4

Text proposed by the Commission	*Amendment*

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

Or. en

Amendment 1213
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 39 – paragraph 4

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

Or. en

Justification

The requirement to provide evidence that any failures to report were due to circumstances beyond the control of the applicant would risk leading to additional legal disputes prolonging the application process. It would seem more straight-forward to simply resume the process.

Amendment 1214
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 4

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

Or. en

Amendment 1215
Jussi Halla-aho

Proposal for a regulation
Article 39 – paragraph 4

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

Or. en

Amendment 1216
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where an application is implicitly withdrawn, the determining authority shall take a decision to reject the application as abandoned or as	***deleted***

unfounded where the determining authority has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. en

Amendment 1217
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 39 – paragraph 5

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

Or. en

Amendment 1218
Kinga Gál

Proposal for a regulation
Article 39 – paragraph 5

Text proposed by the Commission	*Amendment*
(5) Where an application is implicitly withdrawn, the determining authority shall	(5) Where an application is implicitly withdrawn, the determining authority shall

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

Or. hu

Amendment 1219
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 39 – paragraph 5

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

Or. en

Justification

Consistency with the title of the Article. The choice of grounds for rejecting the application remains in the hands of the determining authority.

Amendment 1220
Jeroen Lenaers

Proposal for a regulation
Article 39 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5 a. In deciding on the circumstances referred to in paragraph 1, the determining authority shall ensure that such a person is not removed contrary to the principle of non-refoulement.

Or. en

Amendment 1221
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi, Carlos Coelho

Proposal for a regulation
Article 39 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5a. The implicit withdrawal procedure shall not apply to minors.

Or. en

Amendment 1222
Marina Albiol Guzmán

Proposal for a regulation
Article 40 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority shall, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection***,*** in the ***cases where:***	1. The determining authority shall, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection ***when the applicant is determined to be in a situation of vulnerability in which he or she needs to receive international protection*** in the ***shortest possible time.***

Or. en

Amendment 1223
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 40 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:	1. The determining authority ***may***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:

Or. en

Justification

It would seem sensible to allow Member States some discretion on whether to use accelerated procedures or not

Amendment 1224
Péter Niedermüller

Proposal for a regulation
Article 40 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:	1. The determining authority ***may***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:

Or. en

Justification

The decision to apply an accelerated procedure should remain optional for the determining authorities. Nothing prevents a determining authority reaching a quick decision under the normal examination of the merits.

Amendment 1225
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 40 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***shall***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:	1. The determining authority ***may***, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where:

Or. en

Amendment 1226
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(a) the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection in accordance with Regulation (EU) No XXX/XXX (Qualification Regulation);	***deleted***

Or. en

Amendment 1227
Alessandra Mussolini, Salvatore Domenico Pogliese

Proposal for a regulation

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

Text proposed by the Commission	*Amendment*
	(aa) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member States;

Or. en

Amendment 1228
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(aa) the application is likely to be well-founded;

Or. en

Amendment 1229
Marina Albiol Guzmán

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

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

(Qualification Regulation);

Or. en

Amendment 1230
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

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

Or. en

Justification

To withhold information should not bear, as consequence, the application of an accelerated procedure.

Amendment 1231
Marina Albiol Guzmán

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

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

Or. en

Amendment 1232
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(c) the applicant has misled the authorities by presenting false information 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***;	(c) the applicant has misled the authorities by presenting false information or documents or by withholding***, destroying or disposing of*** relevant information or documents with respect to his or her identity***,*** nationality***, travel route or reasons for applying for international protection***;

Or. en

Amendment 1233
Brice Hortefeux, Rachida Dati

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

Text proposed by the Commission	*Amendment*
(c) the applicant has misled the authorities by presenting false information 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;	(c) the applicant has misled the authorities by presenting false information or ***false or forged*** documents or by withholding relevant information or documents with respect to his or her identity***, age*** or nationality that could have had a negative impact on the decision;

Or. fr

Amendment 1234
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

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

Or. en

Amendment 1235
Marina Albiol Guzmán

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

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

Or. en

Amendment 1236
Brice Hortefeux, Rachida Dati

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

Text proposed by the Commission	*Amendment*
(d) the applicant is making an application ***merely*** to delay or frustrate the enforcement of an earlier or imminent decision resulting in his or her removal from the territory of a Member State;	(d) the applicant is making an application ***solely in order*** to delay or frustrate the enforcement of an earlier or imminent decision resulting in his or her removal from the territory of a Member State;

Or. fr

Amendment 1237
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(d) the applicant is making an application merely to delay ***or frustrate*** the enforcement of ***an earlier or imminent*** decision resulting in his or her removal from the territory of a Member State;	(d) the applicant is making an application merely to delay***, frustrate or prevent*** the enforcement of ***a*** decision resulting in his or her removal from the territory of a Member State;

Or. en

Amendment 1238
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation;	***deleted***

Or. en

Amendment 1239
Marina Albiol Guzmán

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

Text proposed by the Commission *Amendment*

(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation;	***deleted***

Or. en

Amendment 1240
Péter Niedermüller

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

Text proposed by the Commission	*Amendment*
(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation;	(e) a third country may be considered as a safe country of origin for the applicant within the meaning of this Regulation***,*** ***provided that adequate support for the purpose of Article 19 can be provided within the framework of such a procedure***;

Or. en

Justification

Wording aligned with Amendments 35 & 36 of the Parliament's position on the Regulation establishing an EU common list of safe countries of origin ('SCO Regulation').

Amendment 1241
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(e) a third country ***may be*** considered as a safe country of origin for the applicant within the meaning of this Regulation;	(e) a third country ***is*** considered as a safe country of origin for the applicant within the meaning of this Regulation;

Or. en

Amendment 1242
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(f) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member States;	***deleted***

Or. en

Amendment 1243
Alessandra Mussolini, Salvatore Domenico Pogliese

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

Text proposed by the Commission	*Amendment*
(f) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member States;	***deleted***

Or. en

Justification

Article 40 - paragraph 1 - point f has been moved to Article 40 - paragraph 1 - point aa.

Amendment 1244
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(f) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member States;	***deleted***

Or. en

Amendment 1245
Jussi Halla-aho

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

Text proposed by the Commission	*Amendment*
(f) the applicant may***, for serious reasons,*** be considered a danger to the national security or public order of the Member States;	(f) the applicant may be considered a danger to the national security or public order of the Member States;

Or. en

Amendment 1246
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(f) the applicant may***, for serious reasons,*** be considered a danger to the national security or public order of the Member States;	(f) the applicant may be considered a danger to the national security or public order of the Member States;

Or. en

Amendment 1247
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 40 – paragraph 1 – point f a (new)

Text proposed by the Commission	*Amendment*
	(f a) the applicant has committed a criminal offence, which is penalised by imprisonment.

Or. en

Amendment 1248
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

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

Or. en

Justification

Accelerated procedures are not an appropriate tool to limit secondary movements, in cases where the applicant is likely to receive protection it could even act as an incentive to abscond.

Amendment 1249
Péter Niedermüller, Ana Gomes, Josef Weidenholzer

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

Text proposed by the Commission	*Amendment*
(g) the applicant does not comply with the obligations set out in Article 4(1) and Article 20(3) of Regulation (EU) No	***deleted***

XXX/XXX (Dublin Regulation), unless he or she demonstrates that his or her failure was due to circumstances beyond his or her control;

Or. en

Justification

The obligations laid down in the Dublin Regulation have no bearing on whether the applicant is entitled to international protection.

Amendment 1250
Marina Albiol Guzmán

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

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

Or. en

Amendment 1251
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(g) the applicant does not comply with the obligations set out in Article 4(1) and Article 20(3) of Regulation (EU) No XXX/XXX (Dublin Regulation), unless he or she demonstrates that his or her failure	***deleted***

was due to circumstances beyond his or her control;

Or. en

Amendment 1252
Jeroen Lenaers

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

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

Or. en

Amendment 1253
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 40 – paragraph 1 – point g a (new)

Text proposed by the Commission	*Amendment*
	(g a) the applicant has travelled or attempted to travel to a country outside of the territory of the EU Member States, especially to the applicant's home country, since having been registered as applicant for international protection in an EU Member State.

Or. en

Amendment 1254

Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

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

Text proposed by the Commission	*Amendment*
(h) the application is a subsequent application, where the application is so clearly without substance or abusive that it has no tangible prospect of success.	***deleted***

Or. en

Justification

The fact that an application is a subsequent application does not imply that it will be unsuccessful. The fact that such cases would not fall under the accelerated examination procedure does not prevent the determining authority from reaching a decision on the application within two months of the lodging of the application, provided that it carries out the necessary personal interview and assesses the relevant evidence in a comprehensive manner.

Amendment 1255
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(h) the application is a subsequent application, where the application is so clearly without substance or abusive that it has no tangible prospect of success.	***deleted***

Or. en

Amendment 1256
Emil Radev

Proposal for a regulation
Article 40 – paragraph 1 – point 3

Text proposed by the Commission	*Amendment*
3) the application is a subsequent application, where the application is so clearly without substance or abusive that it has no tangible prospect of success.	3) the application is a subsequent application, ***including where the person has already been refused protection or has been the subject of a return decision,*** where the application is so clearly without substance or abusive that it has no tangible prospect of success.

Or. bg

Amendment 1257
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(h) the application is a subsequent application***, where the application is so*** clearly ***without substance or abusive that it*** has no ***tangible*** prospect of success***.***	(h) the application is a subsequent application ***is*** clearly ***lacking substantive elements and therefore*** has no prospect of success***;***

Or. en

Amendment 1258
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 40 – paragraph 2

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

examination procedure within eight working days.

Or. en

Amendment 1259
Marina Albiol Guzmán

Proposal for a regulation
Article 40 – paragraph 2

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

Or. en

Amendment 1260
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 40 – paragraph 2

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

Or. en

Justification

This is an unnecessary additional deadline imposed on the determining authority. If the accelerated procedure applies, then a decision should betaken within two months.

Amendment 1261
Jussi Halla-aho

Proposal for a regulation
Article 40 – paragraph 2

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

Or. en

Amendment 1262
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 40 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. The Member State responsible shall allow applicants to remain on its territory until the time limit within which to exercise their right to an effective remedy has expired and, when such a right has been exercised within the time limit, pending the outcome of the remedy, in line with Article 54 of this Regulation.

Or. en

Amendment 1263
Jeroen Lenaers

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where the determining authority considers that the examination of the application involves issues of fact or law that are complex to be examined under an accelerated examination procedure, it may continue the examination on the merits in accordance with Articles 34 and 37. In that case, or where otherwise a decision cannot be taken within the time-limits referred to in paragraph 2, the applicant concerned shall be informed of the change in the procedure.	4. Where the determining authority considers that the examination of the application involves issues of fact or law that are ***too*** complex to be examined under an accelerated examination procedure, it may continue the examination on the merits in accordance with Articles 34 and 37***. This is without prejudice to the right of the determining authority to declare an application manifestly unfounded in accordance with Article 37(3) which shall remain valid also for the subsequent examination on the merits procedure***. In that case, or where otherwise a decision cannot be taken within the time-limits referred to in paragraph 2, the applicant concerned shall be informed of the change in the procedure.

Or. en

Amendment 1264
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where the determining authority considers that the examination of the application involves issues of fact or law that are complex to be examined under an accelerated examination procedure, ***it may***	4. Where the determining authority considers that the examination of the application involves issues of fact or law that are ***too*** complex to be examined under an accelerated examination procedure, ***or***

continue the examination on the merits in accordance with Articles 34 and 37. In that case***, or where otherwise a decision cannot be taken within the time-limits referred to in paragraph 2***, the applicant concerned shall be informed of the change in the procedure.	***where a decision cannot be taken within the time-limits referred to in paragraph 2, it shall*** continue the examination on the merits in accordance with Articles 34 and 37. In that case, the applicant concerned shall be informed of the change in the procedure.

Or. en

Amendment 1265
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 40 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The accelerated examination procedure may be applied to unaccompanied minors only where:	***deleted***
(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;	
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	

Or. en

Justification

Unaccompanied minors ought to never be examined under the accelerated procedure.

Amendment 1266
Jussi Halla-aho

Proposal for a regulation

Article 40 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The accelerated examination procedure may be applied to unaccompanied minors only where:	***deleted***
(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;	
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	

Or. en

Amendment 1267
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi

Proposal for a regulation
Article 40 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The accelerated examination procedure may be applied to unaccompanied minors only where:	***deleted***
(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;	
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	

Or. en

Amendment 1268
Marina Albiol Guzmán

Proposal for a regulation
Article 40 – paragraph 5 – introductory part

Text proposed by the Commission	*Amendment*
5. The accelerated examination procedure may be applied to unaccompanied minors only ***where:***	5. The accelerated examination procedure may be applied to unaccompanied minors only ***when the unaccompanied minor is determined to be in a situation of vulnerability in which he or she needs to receive international protection in the shortest possible time.***

Or. en

Amendment 1269
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 40 – paragraph 5 – introductory part

Text proposed by the Commission	*Amendment*
5. The accelerated examination procedure may be applied to unaccompanied minors only where***:***	5. The accelerated examination procedure may be applied to unaccompanied minors only where ***the application is likely to be well-founded.***

Or. en

Amendment 1270
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

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

Or. en

Justification

The only point that should justify accelerated procedures for minors is where there is a security risk.

Amendment 1271
Marina Albiol Guzmán

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

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

Or. en

Amendment 1272
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

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

Or. en

Amendment 1273
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	***deleted***

Or. en

Amendment 1274
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	***deleted***

Or. en

Amendment 1275
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi

Proposal for a regulation
Article 40 – paragraph 5 a (new)

Text proposed by the Commission	*Amendment*
	5 a. The accelerated examination procedure shall not apply to minors

Or. en

Amendment 1276
Marina Albiol Guzmán

Proposal for a regulation
Article 41

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

Or. en

Amendment 1277
Emil Radev

Proposal for a regulation
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority may, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision on an application at the border or in transit zones of the Member State on:	1. The determining authority may, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision***, at its own discretion and depending on its capacity,*** on an application at the border or in transit zones of the Member State on:

Or. bg

Amendment 1278

Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority may***, in accordance with the basic principles and guarantees provided for in Chapter II,*** take a decision on an application at the border or in transit zones of the Member State ***on***:	1. The determining authority may take a decision on an application at the border or in transit zones of the Member State ***in accordance with the basic principles and guarantees provided for in Chapter II. This decision shall be limited to***:

Or. en

Amendment 1279
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***may***, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision on an application at the border or in transit zones of the Member State on:	1. The determining authority ***shall***, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision on an application at the border or in transit zones of the Member State on:

Or. en

Amendment 1280
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 41 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. The determining authority ***may***, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision on an application at the border	1. The determining authority ***shall***, in accordance with the basic principles and guarantees provided for in Chapter II, take a decision on an application at the border

or in transit zones of the Member State on:	or in transit zones of the Member State on:

Or. fr

Amendment 1281
Sergei Stanishev

Proposal for a regulation
Article 41 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the admissibility of an application made at such locations pursuant to Article 36(1); or	***deleted***

Or. en

Justification

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

Amendment 1282
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the admissibility of an application made at such locations pursuant to Article ***36(1)***; or	(a) the admissibility of an application made at such locations pursuant to Article ***36***; or

Or. en

Amendment 1283
Ska Keller
on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the merits of an application in the cases subject to the accelerated examination procedure referred to in Article 40.	***deleted***

Or. en

Amendment 1284
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the merits of an application in the cases subject to the accelerated examination procedure referred to in Article 40.	(b) ***the implicit withdrawal of an application pursuant to the relevant points in Article 39(1) or*** the merits of an application in the cases subject to the accelerated examination procedure referred to in Article 40.

Or. en

Amendment 1285
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A decision referred to in paragraph 1 shall be taken as soon as possible without prejudice to an adequate and complete examination of the application, and not longer than ***four*** weeks from when the	2. A decision referred to in paragraph 1 shall be taken as soon as possible without prejudice to an adequate and complete examination of the application, and not longer than ***eight*** weeks from when the

application is lodged.	application is lodged.

Or. en

Amendment 1286
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A decision referred to in paragraph 1 shall be taken as soon as possible without prejudice to an adequate and complete examination of the application, and not longer than ***four*** weeks from when the application is lodged.	2. A decision referred to in paragraph 1 shall be taken as soon as possible without prejudice to an adequate and complete examination of the application, and not longer than ***two*** weeks from when the application is lodged.

Or. en

Amendment 1287
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where a final decision is not taken within ***four*** weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this Regulation.	3. Where a final decision is not taken within ***eight*** weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this Regulation.

Or. en

Amendment 1288
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where a final decision is not taken within ***four*** weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this Regulation.	3. Where a final decision is not taken within ***two*** weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this Regulation.

Or. en

Amendment 1289
Marina Albiol Guzmán

Proposal for a regulation
Article 41 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where a final decision is not taken within four weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this ***Regulation***.	3. Where a final decision is not taken within four weeks referred to in paragraph 2, the applicant shall no longer be kept at the border or transit zones and shall be granted entry to the territory of the Member State for his or her application to be processed in accordance with the other provisions of this ***Directive***.

Or. en

Amendment 1290
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 4

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

Or. en

Amendment 1291
Elly Schlein

Proposal for a regulation
Article 41 – paragraph 4

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

Or. en

Amendment 1292
Péter Niedermüller, Birgit Sippel, Kati Piri, Josef Weidenholzer, Sergei Stanishev, Ana Gomes

Proposal for a regulation
Article 41 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. The border procedure may not applied to unaccompanied minors.

Or. en

Justification

In line with the position adopted by the Parliament in the Reception Conditions Directive, unaccompanied minors should never be detained in this way, therefore the border procedure cannot ever be applied to unaccompanied minors.

Amendment 1293
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi

Proposal for a regulation
Article 41 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. The border procedure shall not apply to minors.

Or. en

Amendment 1294
Péter Niedermüller, Kati Piri, Josef Weidenholzer, Ana Gomes, Sergei Stanishev, Elly Schlein, Cécile Kashetu Kyenge, Birgit Sippel

Proposal for a regulation
Article 41 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The border procedure may be applied to unaccompanied minors, in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:	***deleted***

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

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

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

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

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

Or. en

Justification

In line with the position adopted by the Parliament in the Reception Conditions Directive, unaccompanied minors should never be detained in this way, therefore the border procedure cannot ever be applied to unaccompanied minors.

Amendment 1295
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi

Proposal for a regulation
Article 41 – paragraph 5

Text proposed by the Commission	*Amendment*
5. The border procedure may be applied to unaccompanied minors, in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:	***deleted***
(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;	
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law;	
(c) there are reasonable grounds to consider that a third country is a safe third country for the applicant in accordance with the conditions of Article 45;	
(d) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision.	
Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant elements which would likely lead to a decision refusing to grant international protection and provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.	

Or. en

Amendment 1296
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1

Text proposed by the Commission	*Amendment*
The border procedure may be applied to unaccompanied minors, in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:	***deleted***
(a) the applicant comes from a third country considered to be a safe country of origin in accordance with the conditions set out in Article 47;	
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law;	
(c) there are reasonable grounds to consider that a third country is a safe third country for the applicant in accordance with the conditions of Article 45;	
(d) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision.	

Or. en

Amendment 1297
Ska Keller
on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The border procedure ***may*** be applied to ***unaccompanied*** minors***, in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:***	The border procedure ***shall not*** be applied to minors**.**

Or. en

Amendment 1298
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The border procedure ***may*** be applied to unaccompanied minors***, in accordance with Articles 8 to 11 of Directive (EU) No XXX/XXX (Reception Conditions Directive) only where:***	The border procedure ***shall not*** be applied to unaccompanied minors

Or. en

Justification

In order to guarantee the procedural safeguards of this particularly vulnerable category of applicants they shall not be subject to border procedures

Amendment 1299
Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
The border procedure ***may be applied*** to	***Member States may apply*** the border

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

Or. en

Amendment 1300
Brice Hortefeux, Rachida Dati

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – introductory part

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

Or. fr

Amendment 1301
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point a

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

Or. en

Amendment 1302

Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point a

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

Or. en

Justification

Relates to the modification of 41(5)

Amendment 1303
Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant comes from a third country ***considered to be a safe country of origin in accordance with the conditions set out in*** Article 47;	(a) the applicant comes from a third country ***which is not a Member State that is considered as a safe country of origin pursuant to*** Article 47;

Or. en

Amendment 1304
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant may for serious reasons be considered to be a danger to	***deleted***

the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law;

Or. en

Amendment 1305
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant may for serious reasons be considered to be a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law;	***deleted***

Or. en

Justification

Relates to the modification of 41(5)

Amendment 1306
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point c

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

Or. en

Justification

Relates to the modification of 41(5)

Amendment 1307
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point c

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

Or. en

Amendment 1308
Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) ***there are reasonable grounds to consider that*** a third country ***is a safe third country for the applicant in accordance with the conditions of*** Article 45;	(c) ***the applicant comes from*** a third country ***which is not a Member State that is considered as a safe country of origin pursuant to*** Article 45;

Or. en

Amendment 1309
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point d

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

Or. en

Amendment 1310
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point d

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

Or. en

Justification

Relates to the modification of 41(5)

Amendment 1311
Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 1 – point d

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

Or. en

Amendment 1312
Jussi Halla-aho

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 2

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

Or. en

Amendment 1313
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant elements which would likely lead	***deleted***

to a decision refusing to grant international protection and provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.

Or. en

Justification

Relates to the modification of 41(5)

Amendment 1314
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 2

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

Or. en

Amendment 1315
Jeroen Lenaers

Proposal for a regulation
Article 41 – paragraph 5 – subparagraph 2

Text proposed by the Commission	*Amendment*
Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant	Point (d) shall only be applied where there are serious grounds for considering that the applicant is attempting to conceal relevant

elements which would likely lead to a decision refusing to grant international protection and provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.	elements which would likely lead to a decision refusing to grant international protection and ***only after the unaccompanied minor has been explicitly made aware of the consequences of concealing relevant information and*** provided that the applicant has been given an effective opportunity to provide substantiated justifications for his actions.

Or. en

Amendment 1316
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission	*Amendment*
1. After a previous application had been rejected by means of a final decision, any further application made by the same applicant in ***any*** Member State shall be considered to be a subsequent application by the Member State responsible.	1. After a previous application had been rejected by means of a final decision, any further application made by the same applicant in ***the same*** Member State shall be considered to be a subsequent application by the Member State responsible***, unless an effective removal has taken place***.

Or. en

Justification

We should avoid indefinite responsibility of the Member States.

Amendment 1317
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission	*Amendment*

1. After a previous application had been rejected by means of a final decision, any further application made by the same applicant in any Member State shall be considered to be a subsequent application by the Member State responsible.	1. After a previous application had been rejected by means of a final decision, any ***second or*** further application made by the same applicant in any Member State shall be considered to be a subsequent application by the Member State responsible.

Or. en

Amendment 1318
Péter Niedermüller, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission	*Amendment*
1. After a previous application ***had*** been rejected by means of a final decision, any further application made by the same applicant in any Member State shall be considered to be a subsequent application by the Member State responsible.	1. After a previous application ***has*** been rejected by means of a final decision, any further application made by the same applicant in any Member State shall be considered to be a subsequent application by the Member State responsible.

Or. en

Amendment 1319
Marina Albiol Guzmán

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission	*Amendment*
1. After a previous application had been rejected by means of a final decision, any further application made by the same applicant in any Member State shall be ***considered to be a subsequent application*** by the Member State responsible.	1. After a previous application had been rejected by means of a final decision, any further application made by the same applicant in any Member State shall be ***equally examined*** by the Member State responsible.

Or. en

Amendment 1320
Marina Albiol Guzmán

Proposal for a regulation
Article 42 – paragraph 2

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

Or. en

Amendment 1321
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 42 – paragraph 2

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

application was rejected as inadmissible.

Or. en

Justification

If there are new elements or findings presented, then the those new elements or findings must always be assessed by the determining authority.

Amendment 1322
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 42 – paragraph 2

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

Or. en

Amendment 1323
Marina Albiol Guzmán

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The preliminary examination shall be carried out on the basis of written	***deleted***

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

Or. en

Amendment 1324
Jeroen Lenaers

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is clearly without substance and has no tangible prospect of success.	3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is clearly without substance and has no tangible prospect of success. ***The written submissions may be dispensed with if the subsequent application is made shortly before the removal or flight, and there are indications that it is made merely to delay or frustrate the enforcement of a decision for removal. In those cases, the applicant shall be interviewed to assess if there are any new relevant elements or findings.***

Or. en

Amendment 1325
Péter Niedermüller, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 42 – paragraph 3

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

Or. en

Justification

The personal interview is the cornerstone of the individual nature of an application for international protection and should not be dispensed with.

Amendment 1326
Jussi Halla-aho

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The preliminary examination shall be carried out on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application does not give rise to relevant new elements or findings or that it is clearly without substance and has no tangible prospect of	3. ***Without prejudice to the time-limits referred to in Article 34,*** the preliminary examination shall be carried out ***within one month from the lodging of the application,*** on the basis of written submissions and a personal interview in accordance with the basic principles and guarantees provided for in Chapter II. The personal interview may be dispensed with in those instances where, from the written submissions, it is clear that the application

success.	does not give rise to relevant new elements or findings or that it is clearly without substance and has no tangible prospect of success.

Or. en

Amendment 1327
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(a) relevant new elements or findings ***as referred to in paragraph 2(a)*** have arisen or have been presented by the applicant;	(a) relevant new elements or findings have arisen or have been presented by the applicant;

Or. en

Amendment 1328
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

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

Or. en

Justification

The applicant already has every incentive to present elements that would increase their chance of receiving protection, the present paragraph only complicates procedures as paragraph (a) covers all essential elements

Amendment 1329
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

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

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

Or. en

Amendment 1330
Marina Albiol Guzmán

Proposal for a regulation
Article 42 – paragraph 5

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

Or. en

Amendment 1331
Péter Niedermüller

Proposal for a regulation
Article 42 – paragraph 5

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

Or. en

Justification

As we are dealing with subsequent applications, there is already a final decision on a first application. If the subsequent application is dealt with under the preliminary examination then it can only be classified as inadmissible. This is in line with the existing Asylum Procedures Directive

Amendment 1332
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 42 – paragraph 5

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

Or. en

Amendment 1333
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 42 – paragraph 5

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

Or. en

Justification

There is no reason for creating another category of decision.

Amendment 1334
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 43

Text proposed by the Commission	*Amendment*
Article 43	***deleted***
Exception from the right to remain in subsequent applications	
Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory and derogate from Article 54(1), where:	

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

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

Or. en

Amendment 1335
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 43

Text proposed by the Commission	*Amendment*
Article 43	***deleted***
Exception from the right to remain in subsequent applications	
Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory and derogate from Article 54(1), where:	
(a) a subsequent application has been rejected by the determining authority as inadmissible or manifestly unfounded;	
(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.	

Or. en

Justification

It is entirely unreasonable to resort to deporting applicants for which there is no final decision on their application for international protection.

Amendment 1336
Péter Niedermüller, Caterina Chinnici, Josef Weidenholzer, Ana Gomes

Proposal for a regulation
Article 43 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory and derogate from Article 54(1), where:	Without prejudice to the principle of non-refoulement, Member States may provide an exception from the right to remain on their territory and derogate from Article 54(1), where ***a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible***:

Or. en

Justification

As the right to remain is central to an application to international protection, any removal of that right must be extremely limited. Such might be the case where a second or further subsequent application is made even though the first subsequent application was ruled inadmissible.

Amendment 1337
Jussi Halla-aho

Proposal for a regulation
Article 43 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the principle of non-refoulement, Member States ***may provide an exception from the*** right to remain on their territory and derogate from Article 54(1), where:	Without prejudice to the principle of non-refoulement, Member States ***shall revoke the applicant's*** right to remain on their territory and derogate from Article 54(1), where:

Or. en

Amendment 1338
Marina Albiol Guzmán

Proposal for a regulation
Article 43 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to the principle of non-refoulement, Member States ***may provide an exception from*** the right to remain on their territory ***and derogate from Article 54(1), where:***	***Taking into account*** the principle of non-refoulement, Member States ***must guarantee*** the right to remain on their territory ***during subsequent applications.***

Or. en

Amendment 1339
Marina Albiol Guzmán

Proposal for a regulation
Article 43 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a subsequent application has been rejected by the determining authority as inadmissible or manifestly unfounded;	***deleted***

Or. en

Amendment 1340
Péter Niedermüller

Proposal for a regulation
Article 43 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a subsequent application has been rejected by the determining authority as inadmissible or manifestly unfounded;	***deleted***

Or. en

Justification

Consistency with amendment tabled to the introductory paragraph of Article 43(1)

Amendment 1341
Laura Ferrara

Proposal for a regulation
Article 43 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) a subsequent application has been rejected by the determining authority as inadmissible ***or manifestly unfounded***;	(a) a subsequent application has been rejected by the determining authority as inadmissible ***under Article 42(5)***;

Or. it

Amendment 1342
Jeroen Lenaers

Proposal for a regulation
Article 43 – paragraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(a a) a subsequent application has been lodged, which is not further examined pursuant to Article 42, merely in order to delay or frustrate the enforcement of a decision which would result in his or her imminent removal from that Member State;

Or. en

Amendment 1343
Péter Niedermüller

Proposal for a regulation
Article 43 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.	***deleted***

Or. en

Amendment 1344
Marina Albiol Guzmán

Proposal for a regulation
Article 43 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.	***deleted***

Or. en

Amendment 1345
Elissavet Vozemberg-Vrionidi

Proposal for a regulation
Article 43 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a second or further subsequent application is made in ***any*** Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.	(b) a second or further subsequent application is made in ***the same*** Member State following a final decision rejecting a previous subsequent application as inadmissible, unfounded or manifestly unfounded.

Or. en

Justification

We should avoid indefinite responsibility of Member States.

Amendment 1346
Laura Ferrara

Proposal for a regulation
Article 43 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible***, unfounded or manifestly unfounded.***	(b) a second or further subsequent application is made in any Member State following a final decision rejecting a previous subsequent application as inadmissible ***under Article 42(5).***

Or. it

Amendment 1347
Jussi Halla-aho

Proposal for a regulation
Article 43 – paragraph 1 – point b a (new)

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

Or. en