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AMENDMENTS
1348 - 1596

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 1348
Marina Albiol Guzmán

Proposal for a regulation
Chapter 3 – section 5

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

Or. en

Amendment 1349
Marina Albiol Guzmán

Proposal for a regulation
Article 44

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

Or. en

Amendment 1350
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A third country ***shall*** be considered to be a first country of asylum for a particular applicant provided that***:***	1. A third country ***may*** be considered to be a first country of asylum for a particular applicant provided that ***the applicant has been recognized as a refugee in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection.***

Or. en

Amendment 1351
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A third country ***shall*** be considered to be a first country of asylum for a particular applicant provided that:	1. A third country ***may*** be considered to be a first country of asylum for a particular applicant provided that:

Or. en

Justification

The concept of first country of asylum should remain an optional concept for Member States.

Amendment 1352
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A third country ***shall*** be considered to be a first country of asylum for a particular applicant provided that:	1. A third country ***may*** be considered to be a first country of asylum for a particular applicant provided that:

Or. en

Amendment 1353
Jeroen Lenaers

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. A third country shall be considered	1. A third country shall be considered

to be a first country of asylum for a particular applicant ***provided that***:	to be a first country of asylum for a particular applicant ***when***:

Or. en

Amendment 1354
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant has enjoyed protection in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection; or	***deleted***

Or. en

Justification

Relates to the amendment of Article 44(1)

Amendment 1355
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant has enjoyed protection in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection***; or***	(a) the applicant has ***been recognised as a refugee and*** enjoyed ***effective*** protection in accordance with the Geneva Convention in that country ***without any geographical restriction,*** before travelling to the Union and he or she can still avail himself or herself of that protection***.***

Or. en

Amendment 1356
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) the applicant has ***enjoyed protection*** in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection; or	(a) the applicant has ***been recognised as a refugee*** in accordance with the Geneva Convention in that country before travelling to the Union and he or she can still avail himself or herself of that protection; or

Or. en

Justification

This concept should be used only if the applicant already has been recognised as a refugee.

Amendment 1357
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant otherwise has enjoyed sufficient protection in that country before travelling to the Union and he or she can still avail himself or herself of that protection.	***deleted***

Or. en

Amendment 1358
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant otherwise has enjoyed sufficient protection in that country before travelling to the Union and he or she can still avail himself or herself of that protection.	***deleted***

Or. en

Justification

Relates to the amendment of Article 44(1)

Amendment 1359
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant otherwise has enjoyed ***sufficient*** protection ***in that country*** before travelling to the Union and he or she can still avail himself or herself of that protection.	(b) the applicant otherwise has enjoyed ***effective*** protection ***equivalent to the level of protection enjoyed by refugees*** before travelling to the Union and he or she can still avail himself or herself of that protection.

Or. en

Justification

This concept may be used only if the level of protection is equivalent with the protection based on Geneva Convention.

Amendment 1360
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The determining authority shall consider that an applicant enjoys sufficient protection within the meaning of paragraph 1(b) provided that it is satisfied that:	***deleted***
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	
(b) there is no risk of serious harm as defined in Regulation (EU) No XXX/XXX (Qualification Regulation);	
(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;	
(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law is respected;	
(e) there is a right of legal residence;	
(f) there is appropriate access to the labour market, reception facilities, healthcare and education; and	
(g) there is a right to family reunification in accordance with international human rights standards.	

Or. en

Justification

The list does not give a complete view of what would constitute a first country of asylum and could thus jeopardize the correct application of the Geneva Convention.

Amendment 1361
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The determining authority ***shall*** consider that an applicant enjoys ***sufficient*** protection within the meaning of paragraph 1(b) provided that it is satisfied that:	2. The determining authority ***may*** consider that an applicant enjoys ***effective*** protection within the meaning of paragraph 1(b) provided that it is satisfied that:

Or. en

Justification

If a country is to be properly considered as a country of first asylum, then the level of protection offered by that country must be effective in practice. This means that the protection offered should be on a level with protection granted within the Union. The additional elements reflect requirements to ensure such effective protection is, in fact, available.

Amendment 1362
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion ***and that there is no deprivation of liberty without due process***;

Or. en

Amendment 1363
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) there is no real risk that the applicant would be transferred by the

third state to another state in which he or she would not receive effective protection, or would be at risk of being transferred from there to any other state, where such protection would not be available;

Or. en

Amendment 1364
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) there is no risk that the applicant would be sent by the third country to another third country in which he or she would not receive effective protection;

Or. en

Amendment 1365
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) there is a right of legal residence;	***deleted***

Or. en

Amendment 1366
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(e a) fundamental rights are respected in accordance with applicable international standards, including that there is no real risk to the life of the applicant and no real risk that the applicant would be deprived of his/her liberty without due process;

Or. en

Amendment 1367
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) there is appropriate access to the labour market, reception facilities, healthcare and education; and	***deleted***

Or. en

Amendment 1368
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) there is appropriate access to the labour market, reception facilities, healthcare and education; ***and***	(f) there is appropriate access to the labour market, reception facilities, healthcare and education;

Or. en

Amendment 1369

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

Proposal for a regulation
Article 44 – paragraph 2 – point f a (new)

Text proposed by the Commission	*Amendment*
	(f a) the applicant has access to means of subsistence sufficient to maintain an adequate standard of living, and steps are undertaken by the third state to enable the progressive achievement of self-reliance, pending the realisation of durable solutions;

Or. en

Amendment 1370
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point f a (new)

Text proposed by the Commission	*Amendment*
	(f a) there is access to means of subsistence sufficient to maintain an adequate standard of living;

Or. en

Amendment 1371
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point f b (new)

Text proposed by the Commission	*Amendment*
	(f b) the third country takes account of any special vulnerabilities of the applicant and maintains the privacy interests of the

applicant;

Or. en

Amendment 1372
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 2 – point f b (new)

Text proposed by the Commission	*Amendment*
	(f b) the third country takes account of any special vulnerabilities of the applicant and maintains the privacy interests of the applicant;

Or. en

Amendment 1373
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 2 – point f c (new)

Text proposed by the Commission	*Amendment*
	(f c) effective protection remains available until a durable solution can be found;

Or. en

Amendment 1374
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) there is a right to family reunification in accordance with international human rights standards.	***deleted***

Or. en

Amendment 1375
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) there is a right to family reunification in accordance with international human rights standards**.**	(g) there is a right to family reunification in accordance with international human rights standards***, and***

Or. en

Amendment 1376
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 2 – point g a (new)

Text proposed by the Commission	*Amendment*
	(g a) the third country has acceded to international refugee instruments and basic human rights instruments and complies with their standards in practice.

Or. en

Amendment 1377
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. Decisions considering that the conditions set out in paragraph 1 of this Article are met should be regularly reviewed by independent organisations.

Or. en

Amendment 1378
Sergei Stanishev

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(a), the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances when lodging the application and during the admissibility interview.	***deleted***

Or. en

Justification

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

Amendment 1379
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*

3. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(a), the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances ***when lodging the application and during the admissibility interview***.	3. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(a), the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances.

Or. en

Justification

The applicant should be entitled to challenge the application of the concept throughout his or her procedure until a final decision is reached.

Amendment 1380
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Before his or her application can be rejected as ***inadmissible*** pursuant to ***Article 36(1)(a)***, the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances ***when lodging the application and during the admissibility interview***.	3. Before his or her application can be rejected as ***part of a determination on its merits*** pursuant to ***Section II of this Regulation***, the applicant shall be allowed to challenge the application of the first country of asylum concept in light of his or her particular circumstances ***at any stage of the procedure***.

Or. en

Amendment 1381
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***As regards unaccompanied minors,*** the concept of first country of asylum ***may only*** be applied ***where the authorities of Member States have first received from the authorities of the third country in question the assurance that the*** unaccompanied ***minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1***.	4. The concept of first country of asylum ***shall not*** be applied ***to*** unaccompanied ***minors***.

Or. en

Amendment 1382
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***As regards unaccompanied minors,*** the concept of first country of asylum ***may only*** be applied ***where the authorities of Member States have first received from the authorities of the third country in question the assurance that the*** unaccompanied ***minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1***.	4. The concept of first country of asylum ***shall not*** be applied ***to*** unaccompanied ***minors***.

Or. en

Justification

Unaccompanied minors are particularly vulnerable and should not be subject to the use of the concept of first country of asylum.

Amendment 1383

Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***As regards unaccompanied minors,*** the concept of first country of asylum ***may only*** be applied ***where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one*** of the ***forms of protection referred to in paragraph 1***.	4. The concept of first country of asylum ***shall not*** be applied ***to unaccompanied minors unless it is determined to be clearly in the best interest*** of the ***child***.

Or. en

Justification

The concept of first country of asylum should not be applied to unaccompanied minors unless it is considered to be in their best interest.

Amendment 1384
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 44 – paragraph 4

Text proposed by the Commission	*Amendment*
4. As regards unaccompanied minors, the concept of first country of asylum ***may only be applied*** where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.	4. As regards unaccompanied minors, the concept of first country of asylum ***shall not apply, unless it is in his or her best interests and*** where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.

Or. en

Amendment 1385
Jeroen Lenaers

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission	*Amendment*
4. ***As regards unaccompanied minors, the*** concept of first country of asylum may only be applied where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.	4. ***The concept of*** concept of first country of asylum may only be applied ***to unaccompanied minors*** where the authorities of Member States have first received from the authorities of the third country in question the assurance that the unaccompanied minor will be taken in charge by those authorities and that he or she shall immediately benefit from one of the forms of protection referred to in paragraph 1.

Or. en

Amendment 1386
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Where an application is rejected as inadmissible in application of the concept of the first country of asylum, the determining authority shall:	***deleted***
(a) inform the applicant accordingly;	
(b) provide him or her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance as a consequence	

of the application of the first country of asylum concept.

Or. en

Amendment 1387
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the third country in question does not admit or readmit the applicant to its territory, the determining authority ***shall*** revoke the decision rejecting the application as inadmissible and ***shall*** give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III.	6. Where***, despite multiple attempts,*** the third country in question does not admit or readmit the applicant to its territory, the determining authority ***may*** revoke the decision rejecting the application as inadmissible and ***may*** give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III. ***However, the return procedure should be continued until admission or readmission becomes possible.***

Or. en

Amendment 1388
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 44 – paragraph 6

Text proposed by the Commission	*Amendment*
6. Where the third country in question does not admit or readmit the applicant to its territory, the determining authority shall revoke the decision rejecting the application ***as inadmissible*** and shall give access to the procedure in accordance with	6. Where the third country in question does not admit or readmit the applicant to its territory, the determining authority shall revoke the decision rejecting the application and shall give access to the procedure in accordance with the basic

the basic principles and guarantees provided for in Chapter II and Section I of Chapter III.	principles and guarantees provided for in Chapter II and Section I of Chapter III.

Or. en

Amendment 1389
Jussi Halla-aho

Proposal for a regulation
Article 44 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Member States shall inform the Commission and the European Union Agency for Asylum every year of the countries to which the concept of the first country of asylum is applied.	7. Member States shall inform the Commission and the European Union Agency for Asylum every year of the countries to which the concept of the first country of asylum is applied ***and of the cases in which the third country did not admit or readmit the applicant to its territory with the motivations given to the Member State***.

Or. en

Amendment 1390
Marina Albiol Guzmán

Proposal for a regulation
Article 45

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

Or. en

Amendment 1391
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
A third country ***shall*** be designated as a safe third country provided that:	A third country ***may*** be designated as a safe third country ***in the individual circumstances of an applicant*** provided that:

Or. en

Amendment 1392
Péter Niedermüller, Sylvie Guillaume

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

Text proposed by the Commission	*Amendment*
A third country ***shall be designated as*** a safe third country provided that:	A third country ***may be considered to*** a safe third country provided that:

Or. en

Justification

The concept of safe third country should remain an optional concept for Member States.

Amendment 1393
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

Text proposed by the Commission	*Amendment*
A third country ***shall*** be designated as a safe third country provided that:	A third country ***may*** be designated as a safe third country provided that:

Or. en

Amendment 1394
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
A third country shall be designated as a safe third country ***provided that***:	A third country shall be designated as a safe third country ***when***:

Or. en

Amendment 1395
Jussi Halla-aho

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) there is no risk of serious harm as defined in Regulation (EU) No XXX/XXX;	(b) there is no risk of serious harm as defined in Regulation (EU) No XXX/XXX ***(Qualification Regulation)***;

Or. en

Amendment 1396
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(c a) there is no real risk that the applicant would be transferred by the third state to another state in which he or she would not receive effective protection, or would be at risk of being transferred from there to any other state, where such protection would not be available;

Or. en

Amendment 1397
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(d a) fundamental rights are respected in accordance with applicable international standards, including that there is no real risk to the life of the applicant and no real risk that the applicant would be deprived of his/her liberty without due process;

Or. en

Amendment 1398
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
	(d b) the applicant has access to means of subsistence sufficient to maintain an adequate standard of living, and steps are undertaken by the third state to enable the progressive achievement of self-reliance, pending the realisation of durable solutions;

Or. en

Amendment 1399

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

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

Text proposed by the Commission	*Amendment*
	(d c) the third country takes account of any special vulnerabilities of the applicant and maintains the privacy interests of the applicant;

Or. en

Amendment 1400
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the possibility exists to ***receive protection in accordance with the substantive standards of the Geneva Convention or sufficient*** protection ***as referred to in Article 44(2), as appropriate***.	(e) the possibility exists to ***request refugee status and, if found to be a refugee, to receive*** protection ***in accordance with the Geneva Convention, ratified and applied without any geographical limit***.

Or. en

Justification

For a third country to be considered safe by a Member State, that third country must have signed up to and ratified the Geneva Convention without any geographical limitations.

Amendment 1401
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the possibility exists to receive protection in accordance with the ***substantive standards of the Geneva Convention or sufficient protection as referred to in Article 44(2), as appropriate***.	(e) the possibility exists to ***request international protection and, if recognised as a refugee, to*** receive ***effective*** protection in accordance with the ***Geneva Convention without any geographical restriction, which remains available until a durable solution can be found***.

Or. en

Amendment 1402
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point e

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

Or. en

Amendment 1403
Elly Schlein

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the possibility exists to receive protection in accordance with the ***substantive standards of the Geneva Convention or sufficient protection as referred to in Article 44(2), as appropriate***.	(e) the possibility exists***, according to national law,*** to receive ***effective*** protection in accordance with the ***Geneva Convention, with the full respect of all the rights deriving from it and no geographical scope limitations***.

Or. en

Amendment 1404
Jussi Halla-aho

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission	*Amendment*
(e) the possibility exists to receive protection in accordance with the substantive standards of the Geneva Convention or sufficient protection as referred to in Article 44(2), as appropriate.	(e) the possibility exists to receive protection in accordance with the substantive standards of the Geneva Convention or sufficient protection as referred to in Article 44(2)***(a-d)***, as appropriate.

Or. en

Amendment 1405
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant organisations.	The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant ***international organisations, and national or international non-governmental*** organisations.

Or. en

Justification

Wording aligned with Amendment 28 adopted in the Parliament's position on the SCO Regulation. This is consistent with amendments tabled to Article 49a.

Amendment 1406
Jussi Halla-aho

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service***, *the United Nations High Commissioner for Refugees, the Council of Europe and other relevant organisations***.	The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service.

Or. en

Amendment 1407
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High	The assessment of whether a third country may be designated as a safe third country in accordance with this Regulation shall be based on ***the individual circumstances of the applicant and on a on*** a range of sources of information, including in particular information from Member States, the European Union Agency for

Commissioner for Refugees, the Council of Europe and other relevant organisations.	Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant organisations.

Or. en

Amendment 1408
Jeroen Lenaers

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	The designation of third country as a safe third country, shall not exclude the possibility of indicating particular groups, based on gender, race, religion, nationality, sexual orientation, membership of a particular social group or political opinion for which that particular third country shall not be considered safe.

Or. en

Amendment 1409
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The concept of safe third country shall be applied:	***deleted***
(a) where a third country has been designated as safe third country in accordance with Article 50;	
(b) where a third country is designated as a safe third country at Union level; or	
(c) in individual cases in relation to a	

specific applicant.

Or. en

Justification

This amendment is tabled for a coherence with deletion of Article 46.

Amendment 1410
Jeroen Lenaers

Proposal for a regulation
Article 45 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The concept of safe third country shall be applied***:***	2. The concept of safe third country shall be applied ***where a third country has been designated as safe third country in accordance with Article 50 or where a third country is designated as a safe third country at Union level;***

Or. en

Amendment 1411
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 45 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. The concept of safe third country shall be applied***:***	2. The concept of safe third country shall ***only*** be applied ***in individual cases in relation to a specific applicant as part of the examination on the merits of an application pursuant to Section II of this Regulation.***

Or. en

Amendment 1412
Laura Ferrara

Proposal for a regulation
Article 45 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. ***The*** concept of safe third country ***shall be applied:***	2. ***A Member State may apply the*** concept of safe third country ***when the third country has been designated at national level as a safe third country in accordance with the criteria laid down in Article 50.***

Or. it

Amendment 1413
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(a) where a third country has been designated as safe third country in accordance with Article 50;	***deleted***

Or. en

Amendment 1414
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(a) where a third country has been designated as safe third country in	***deleted***

accordance with Article 50;

Or. en

Amendment 1415
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(b) where a third country is designated as a safe third country at Union level; or	***deleted***

Or. en

Amendment 1416
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(b) where a third country is designated as a safe third country at Union level; or	***deleted***

Or. en

Amendment 1417
Jeroen Lenaers

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

Text proposed by the Commission	*Amendment*
(c) in individual cases in relation to a specific applicant.	***deleted***

Or. en

Amendment 1418
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

Text proposed by the Commission	*Amendment*
(c) in individual cases in relation to a specific applicant.	***deleted***

Or. en

Amendment 1419
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The determining authority ***shall*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:	3. The determining authority ***may*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:

Or. en

Justification

The concept of safe third country should remain an optional concept for Member States.

Amendment 1420
Ska Keller
on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The determining authority ***shall*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:	3. The determining authority ***may*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:

Or. en

Amendment 1421
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 45 – paragraph 3 – introductory part

Text proposed by the Commission	*Amendment*
3. The determining authority ***shall*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:	3. The determining authority ***may*** consider a third country to be a safe third country for a particular applicant, after an individual examination of the application, only where it is satisfied of the safety of the third country for a particular applicant in accordance with the criteria established in paragraph 1 and it has established that:

Or. en

Amendment 1422
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 3 – point a

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

Or. en

Amendment 1423
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 3 – point a

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

Or. en

Amendment 1424
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 45 – paragraph 3 – point a

Text proposed by the Commission	*Amendment*
(a) there is a connection between the applicant and the third country in question on the basis of which it would be reasonable for that person to go to that	(a) there is a ***meaningful*** connection between the applicant and the third country in question on the basis of which it would be reasonable for that person to go to that

country***, including because the applicant has transited through that third country which is geographically close to the country of origin of the applicant;***	country***; and***

Or. en

Justification

Mere transit should not be sufficient to warrant the return to a so called safe third country.

Amendment 1425
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
(b) the applicant has not submitted ***serious*** grounds for considering the country not to be a safe third country in his or her particular circumstances.	(b) the applicant has not submitted grounds for considering the country not to be a safe third country in his or her particular circumstances.

Or. en

Amendment 1426
Sergei Stanishev

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(b), an applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances when lodging the application and during the admissibility interview.	***deleted***

Or. en

Justification

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

Amendment 1427
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(b), an applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances ***when lodging the application and during the admissibility interview***.	4. Before his or her application can be rejected as inadmissible pursuant to Article 36(1)(b), an applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances.

Or. en

Justification

The applicant should be entitled to challenge the application of the concept throughout his or her procedure until a final decision is reached.

Amendment 1428
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Before his or her application can be rejected as ***inadmissible*** pursuant to ***Article 36(1)(b)***, an applicant shall be allowed to challenge the application of the concept of	4. Before his or her application can be rejected as ***part of a determination on its merits*** pursuant to ***Section II of this Regulation***, an applicant shall be allowed

safe third country in light of his or her particular circumstances ***when lodging the application and during the admissibility interview***.	to challenge the application of the concept of safe third country in light of his or her particular circumstances ***at any stage of the procedure***.

Or. en

Amendment 1429
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***As regards unaccompanied minors,*** the concept of safe third country ***may only*** be applied ***where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the*** unaccompanied ***minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e)***.	5. The concept of safe third country ***shall not*** be applied ***to*** unaccompanied ***minors***.

Or. en

Amendment 1430
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***As regards unaccompanied minors,*** the concept of safe third country ***may only*** be applied ***where the authorities of the Member States have first received from the authorities of the third country***	5. The concept of safe third country ***shall not*** be applied ***in respect of*** unaccompanied ***minors***.

in question confirmation that the unaccompanied ***minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e)***.

Or. en

Justification

Unaccompanied minors are particularly vulnerable and should not be subject to the use of the concept of first country of asylum.

Amendment 1431
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***As regards unaccompanied minors,*** the concept of safe third country ***may only*** be applied where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e).	5. The concept of safe third country ***shall not*** be applied ***to unaccompanied minors unless it is determined to be clearly in the best interest of the child and*** where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e).

Or. en

Amendment 1432
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi, Barbara Kudrycka, Carlos Coelho

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission	*Amendment*
5. As regards unaccompanied minors, the concept of safe third country may only be applied where the authorities of the Member States have ***first*** received from the authorities of the third country in question ***confirmation*** that the unaccompanied minor ***shall be taken in charge by those authorities*** and that he or she shall ***immediately*** have access to ***one of*** the forms of protection referred to in paragraph ***1(e)***.	5. As regards unaccompanied minors, the concept of safe third country may only be applied ***taking into consideration his or her best interests and*** where the authorities of the Member States have received from the authorities of the third country in question ***assurance*** that the unaccompanied minor ***will not face serious harm, discrimination or persecution*** and that he or she shall ***immediate*** have access to the forms of protection referred to in paragraph ***1***.

Or. en

Amendment 1433
Jeroen Lenaers

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission	*Amendment*
5. ***As regards unaccompanied minors,*** the concept of safe third country may only be applied where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e).	5. The concept of safe third country may only be applied ***to unaccompanied minors*** where the authorities of the Member States have first received from the authorities of the third country in question confirmation that the unaccompanied minor shall be taken in charge by those authorities and that he or she shall immediately have access to one of the forms of protection referred to in paragraph 1(e).

Or. en

Amendment 1434
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation

Article 45 – paragraph 6 – point b

Text proposed by the Commission	*Amendment*
(b) provide him or her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance ***as a consequence of the application of the concept of the safe third country***.	(b) provide him or her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.

Or. en

Amendment 1435
Jussi Halla-aho

Proposal for a regulation
Article 45 – paragraph 7

Text proposed by the Commission	*Amendment*
7. Where the third country in question does not admit or readmit the applicant to its territory, the determining authority ***shall*** revoke the decision rejecting the application as inadmissible and ***shall*** give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III.	7. Where the third country in question does not admit or readmit the applicant to its territory, the determining authority ***may*** revoke the decision rejecting the application as inadmissible and ***may*** give access to the procedure in accordance with the basic principles and guarantees provided for in Chapter II and Section I of Chapter III. ***However, the return procedure should be continued until admission or readmission becomes possible.***

Or. en

Amendment 1436
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 46

Text proposed by the Commission	*Amendment*
Article 46	***deleted***
Designation of safe third countries at Union level	
1. Third countries shall be designated as safe third countries at Union level, in accordance with the conditions laid down in Article 45(1).	
2. The Commission shall regularly review the situation in third countries that are designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).	
3. The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.	

Or. en

Amendment 1437
Marina Albiol Guzmán

Proposal for a regulation
Article 46

Text proposed by the Commission	*Amendment*
Article 46	***deleted***
Designation of safe third countries at Union level	
1. Third countries shall be designated as safe third countries at Union level, in accordance with the conditions laid down in Article 45(1).	
2. The Commission shall regularly review the situation in third countries that are	

designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).

3. The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.

Or. en

Amendment 1438
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 46

Text proposed by the Commission	*Amendment*
Article 46	***deleted***
Designation of safe third countries at Union level	
1. Third countries shall be designated as safe third countries at Union level, in accordance with the conditions laid down in Article 45(1).	
2. The Commission shall regularly review the situation in third countries that are designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).	
3. The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.	

Or. en

Justification

As the concept of safe third country should remain an optional concept for Member States, there is no need for a list at European level at this stage.

Amendment 1439
Jussi Halla-aho

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission shall regularly review the situation in third countries that are designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).	2. The Commission shall regularly review the situation in third countries that are ***or could be*** designated as safe third countries at Union level, with the assistance of the European Union Agency for Asylum and based on the other sources of information referred to in the second paragraph of Article 45(1).

Or. en

Amendment 1440
Jussi Halla-aho

Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The Commission shall be empowered to adopt delegated acts to suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.	3. The Commission shall be empowered to adopt delegated acts to ***designate a third country or*** suspend the designation of a third country as a safe third country at Union level subject to the conditions as set out in Article 49.

Or. en

Amendment 1441
Marina Albiol Guzmán

Proposal for a regulation
Article 47

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

Or. en

Amendment 1442
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 47

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

Or. en

Amendment 1443
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission	*Amendment*
1. A third country may be designated as a safe country of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is ***generally*** no persecution as defined in Article 9 of Regulation (EU) No XXX/XXX (Qualification Regulation), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of	1. A third country may be designated as a safe country of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no ***general or consistent*** persecution as defined in Article 9 of Regulation (EU) No XXX/XXX (Qualification Regulation), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of

international or internal armed conflict.	international or internal armed conflict.

Or. en

Justification

Wording aligned with Amendment 40 of the Parliament's position on the Regulation establishing an EU common list of safe third countries ("SCO Regulation").

Amendment 1444
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 47 – paragraph 2

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

Or. en

Justification

Wording aligned with Amendment 27 of the Parliament's position on the SCO Regulation.

Amendment 1445
Jussi Halla-aho

Proposal for a regulation
Article 47 – paragraph 2

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

Or. en

Amendment 1446
Anna Maria Corazza Bildt, Caterina Chinnici, Hilde Vautmans, Barbara Matera, Damiano Zoffoli, Michaela Šojdrová, Brando Benifei, Lara Comi, Barbara Kudrycka, Carlos Coelho

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe as well as other relevant	2. The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from Member States, the European Union Agency for Asylum, the European External Action Service, the United Nations High Commissioner for Refugees, the Council of Europe as well as other relevant

organisations, and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).	organisations, ***including child-focused organisations,*** and shall take into account the common analysis of the country of origin information referred to in Article 10 of Regulation (EU) No XXX/XXX (EU Asylum Agency).

Or. en

Amendment 1447
Jeroen Lenaers

Proposal for a regulation
Article 47 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The designation of third country as a safe country of origin, shall not exclude the possibility of indicating particular groups, based on gender, race, religion, nationality, sexual orientation, membership of a particular social group or political opinion for which that particular third country shall not be considered safe.

Or. en

Amendment 1448
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 47 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) ***the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or***	(c) ***respect for the principle of non-refoulement in accordance with the Geneva Convention***;

freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country;

Or. en

Justification

Wording aligned with Amendment 40 of the Parliament's position on the SCO Regulation.

Amendment 1449
Jussi Halla-aho

Proposal for a regulation
Article 47 – paragraph 3 – point c

Text proposed by the Commission	*Amendment*
(c) the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion***, or from which there is a serious risk of an expulsion, removal or extradition to another third country;***	(c) the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, sexual orientation, membership of a particular social group or political opinion

Or. en

Amendment 1450
Emil Radev

Proposal for a regulation
Article 47 – paragraph 3 – point b

Text proposed by the Commission	*Amendment*
b) the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, ***sexual orientation,*** membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country;	b) the absence of expulsion, removal or extradition of own citizens to third countries where, inter alia, there is a serious risk that they would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, or from which there is a serious risk of an expulsion, removal or extradition to another third country;

Or. bg

Amendment 1451
Jussi Halla-aho

Proposal for a regulation
Article 47 – paragraph 4 – point a

Text proposed by the Commission	*Amendment*
(a) he or she has the nationality of that country; or	(a) he or she has the nationality of that country ***or has a permanent residence status in that country***; or

Or. en

Amendment 1452
Péter Niedermüller, Sylvie Guillaume

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

Text proposed by the Commission	*Amendment*
	4 a. Member States shall not apply the safe country of origin concept in case of applicants belonging to a minority or

	group of persons that remains at risk in light of the situation in the country of origin concerned, based on the sources of information listed in Paragraph 2 of this Article.

Or. en

Justification

Wording aligned with Amendment 38 of the Parliament's position on the SCO Regulation.

Amendment 1453
Marina Albiol Guzmán

Proposal for a regulation
Article 48

Text proposed by the Commission	*Amendment*
Article 48	***deleted***
Designation of safe countries of origin at Union level	
1. Third countries listed in Annex 1 to this Regulation are designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 47.	
2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article 45(2).	
3. In accordance with Article 11(2) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), the Commission may request the Union Agency for Asylum to provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin.	

4. The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.

Or. en

Amendment 1454
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 48

Text proposed by the Commission	*Amendment*
Article 48	***deleted***
Designation of safe countries of origin at Union level	
1. Third countries listed in Annex 1 to this Regulation are designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 47.	
2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article 45(2).	
3. In accordance with Article 11(2) of Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation), the Commission may request the Union Agency for Asylum to provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin.	

4. The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.

Or. en

Amendment 1455
Rachida Dati

Proposal for a regulation
Article 48 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The Commission shall regularly examine the situation in third countries and the possibility of proposing to add them to the EU common list of safe countries of origin. If appropriate, the Commission shall draw up a proposal to enlarge the common EU list of safe countries of origin after a substantiated assessment of whether countries to be added to the list fulfil the criteria set in Article 47 of this Regulation.

Or. fr

Amendment 1456
Rachida Dati

Proposal for a regulation
Article 48 – paragraph 1 b (new)

Text proposed by the Commission	*Amendment*
	1b. The Member States may propose to add third countries to the common list of safe countries of origin to Annex 1 to this Regulation. The Commission shall then examine these proposals within six

months in the light of a set of information sources at its disposal and, when appropriate, it shall make a proposal for the amendment of Annex 1 to this Regulation.

Or. fr

Amendment 1457
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 48 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The Commission shall ***regularly*** review the situation in third countries that are on the EU common list of safe countries of origin, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article ***45(2)***.	2. The Commission shall ***continuously*** review the situation in third countries that are on the EU common list of safe countries of origin ***or suspended from that list in accordance with Article 49. It shall also continuously review those countries' compliance with the conditions for the designation of a country as a safe country of origin set out in Article 47***, with the assistance of the Union Agency for Asylum and based on the other sources of information referred to in Article ***47(2). It shall keep the European Parliament informed in a timely manner***.

Or. en

Justification

Wording aligned with Amendment 27 of in the Parliament's position on the SCO Regulation.

Amendment 1458
Jussi Halla-aho

Proposal for a regulation
Article 48 – paragraph 2

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

Or. en

Amendment 1459
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 48 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. The Commission shall consult the Union Agency for Asylum when conducting its regular reviews of the situation in third countries which are included in the common EU list of safe countries of origin, including those that have been suspended. The Commission may request that the Union Agency for Asylum carry out a review of the situation in any such third country with a view to assessing whether the criteria set out in Article 47.
	When reviewing the EU common list of safe countries of origin, the Commission shall consult international organisations, in particular the UNHCR, and relevant civil society organisations or individuals with proven country-specific and human rights expertise.

Or. en

Justification

Wording aligned with Amendment 34(1) and (2) of the Parliament's position on the SCO Regulation.

Amendment 1460
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 48 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.	***deleted***

Or. en

Justification

The relevant part of this text has been moved to the Article 49.

Amendment 1461
Jussi Halla-aho

Proposal for a regulation
Article 48 – paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.	4. The Commission shall be empowered to adopt delegated acts to ***introduce a third country to and*** suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in Article 49.

Or. en

Amendment 1462
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 49

Text proposed by the Commission	*Amendment*
Article 49	***deleted***
Suspension and removal of the designation of a third country as a safe third country at Union level or from the EU common list of safe country of origin	
1. In case of sudden changes in the situation of a third country which is designated as a safe third country at Union level or which is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Article 45 or Article 47 and, if the Commission considers that those conditions are no longer met, it shall adopt a delegated act suspending the designation of a third country as a safe third country at Union level or suspending the presence of a third country from the EU common list of safe countries of origin for a period of six months.	
2. The Commission shall continuously review the situation in that third country taking into account inter alia information provided by the Member States regarding subsequent changes in the situation of that country.	
3. Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country as a safe third country at Union level or suspending the presence of a third country from the EU common list of safe countries of origin, it shall	

within three months after the date of adoption of that delegated act submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove that third country from the designation of safe third countries at Union level or from the EU common list of safe countries of origin.

4. Where such a proposal is not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 2, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect. Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.

Or. en

Amendment 1463
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – title

Text proposed by the Commission	*Amendment*
Suspension ***and removal of the designation*** of a third country ***as a safe third country at Union level or*** from the EU common list of safe ***country*** of origin	Suspension of a third country from the EU common list of safe ***countries*** of origin

Or. en

Justification

Amendments tabled for consistency with earlier and later amendments.

Amendment 1464
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph -1 (new)

Text proposed by the Commission	*Amendment*
	-1. The Commission shall be empowered to adopt delegated acts to suspend the presence of a third country from the EU common list of safe countries of origin subject to the conditions as set out in this article.

Or. en

Justification

This text has been added from Article 48(4), since it relates specifically to suspending third countries from the EU common list of safe countries of origin.

Amendment 1465
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph 1

Text proposed by the Commission	*Amendment*
1. ***In case of*** sudden changes in the situation of a third country which is ***designated as a safe third country at Union level or which is on the EU common list of safe countries*** of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Article ***45 or Article*** 47 and, if ***the Commission considers that those conditions*** are no longer met, it shall adopt a delegated act suspending the ***designation of a*** third country ***as a safe third country at Union level or suspending the presence of a*** third country from the EU common	1. ***If*** sudden changes in the situation of a third country which is ***on the EU common list of safe countries of origin could lead to that country's non-compliance with the conditions for the designation of a country as a safe country*** of origin, the Commission shall ***immediately and rapidly*** conduct a substantiated assessment of the fulfilment by that country of the conditions set ***out*** in Article 47 and, if ***they*** are no longer met, it shall adopt ***as soon as possible*** a delegated act***, in accordance with Article 290 TFEU,*** suspending the ***presence of that*** third country ***from the EU common list of safe***

list ***of safe countries*** of origin ***for a period of six months***.	***countries of origin for a period of six months.*** ***As soon as possible after it becomes aware of the change in situation and in any event before adopting the delegated act suspending inclusion of that*** third country from the EU common list***, the Commission shall inform the Member States and recommend to them not to apply the safe country*** of origin ***concept to that third country at national level***.

Or. en

Justification

Wording aligned with Amendment 31 of the Parliament's position on the SCO Regulation.

Amendment 1466
Marina Albiol Guzmán

Proposal for a regulation
Article 49 – paragraph 1

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

Or. en

Amendment 1467
Jussi Halla-aho

Proposal for a regulation
Article 49 – paragraph 1

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

Or. en

Amendment 1468
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. If, during the suspension period, it becomes clear from available information that the third country once again fulfils the conditions set out in Article 47, the Commission shall, no sooner than six months after the adoption of the decision under paragraph 1, adopt a decision to revoke the suspension of that country from the EU common list of safe

countries of origin in accordance with Article 290 TFEU.

Or. en

Justification

Wording aligned with Amendment 32 of the Parliament's position on the SCO Regulation.

Amendment 1469
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph 2 b (new)

Text proposed by the Commission	*Amendment*
	2 b. UNHCR, non-governmental organisations and individual experts with proven and relevant country-specific and human rights expertise may request the Commission to suspend or remove a country from the EU common list of safe countries of origin. Such a request shall contain a detailed and up-to-date description of the human rights situation and the persistent human rights violations occurring in the country concerned. It shall also specify the non-compliance with the criteria laid down in Article 47 justifying the suspension or withdrawal of that country from the EU common list of safe countries of origin. Except where it considers the request to be inadmissible, unsubstantiated or repetitive, the Commission shall assess the information submitted in such requests.

Or. en

Justification

Wording aligned with Amendment 34(3) of the Parliament's position on the SCO Regulation.

Amendment 1470

Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph 3

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

Or. en

Justification

The relevant part of this text has been moved to the Article 49 a.

Amendment 1471
Marina Albiol Guzmán

Proposal for a regulation
Article 49 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country as a safe third country at Union level or suspending the presence of a third country from the EU common list of safe countries of origin, it shall within three months after the date of adoption of that delegated act submit a proposal, in	3. Where the Commission has adopted a delegated act in accordance with paragraph 1 suspending the designation of a third country as a safe third country at Union level or suspending the presence of a third country from the EU common list of safe countries of origin, it shall within three months after the date of adoption of that delegated act submit a proposal, in

accordance with the ordinary legislative procedure, for amending this ***Regulation*** to remove that third country from the designation of safe third countries at Union level or from the EU common list of safe countries of origin.	accordance with the ordinary legislative procedure, for amending this ***Directive*** to remove that third country from the designation of safe third countries at Union level or from the EU common list of safe countries of origin.

Or. en

Amendment 1472
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where such a proposal is not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 2, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect. Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.	***deleted***

Or. en

Justification

The relevant part of this text has been moved to the Article 49 a.

Amendment 1473
Marina Albiol Guzmán

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where such a proposal is not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 2, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect. Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.	***deleted***

Or. en

Amendment 1474
Laura Ferrara

Proposal for a regulation
Article 49 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Where such a proposal is ***not submitted by the Commission within three months from the adoption of the delegated act as referred to in paragraph 2, the delegated act suspending the third country from its designation as a safe third country at Union level or suspending the presence of the third country from the EU common list of safe countries of origin shall cease to have effect. Where such a proposal is*** submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial	4. Where such a proposal is submitted by the Commission within three months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.

assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.

Or. it

Amendment 1475
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 49 a (new)

Text proposed by the Commission	*Amendment*
	Article 49 a
	Removal of a third country from the EU common list of safe countries of origin
	1. Where the Commission has adopted a delegated act in accordance with Article 49, paragraph 1, suspending the designation of a third country as a safe country of origin, it shall within six months after the date of adoption of that delegated act submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove that third country from the EU common list of safe countries of origin.
	2 . Where such a legislative proposal is submitted by the Commission within six months, the Commission shall be empowered, on the basis of a substantial assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew this extension once.
	3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure. For that purpose:
	The Commission shall regularly examine the situation in third countries and the possibility of proposing to add them to the

EU common list of safe countries of origin.

If appropriate, the Commission shall draw up a proposal to enlarge the common list of safe countries of origin after a substantiated assessment of whether countries to be added to the list fulfil the criteria set out in Article 47.

Assessments of whether a country is a safe country of origin conducted in accordance with this Article shall be based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, the Union Agency for Asylum, the UNHCR, the Council of Europe, and other relevant international organisations, and national or international non-governmental organisations.

Or. en

Justification

It is easier to understand these Articles if a distinction is made between suspending a country from the list and removing a country from the list, as the two procedures are different. Amendment tabled based on Amendment 28 and 32 of the Parliament's position on the SCO, for consistency with earlier amendments on safe third countries, and to ensure coherence in the text as a whole.

Amendment 1476
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 50

Text proposed by the Commission	*Amendment*
Article 50	***deleted***
Designation of third countries as safe third countries or safe country of origin at national level	

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

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

3.

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

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

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

designation.

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

Or. en

Amendment 1477
Marina Albiol Guzmán

Proposal for a regulation
Article 50

Text proposed by the Commission	*Amendment*
Article 50	***deleted***
Designation of third countries as safe third countries or safe country of origin at national level	
1. For a period of five years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe third countries or safe countries of origin other than those designated at Union level or which are on the EU common list in Annex 1 for the purposes of examining applications for international protection.	
2. Where a third country is suspended from being designated as a safe third country at Union level or the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not designate that	

country as a safe third country or a safe third country of origin at national level nor shall they apply the safe third country concept on an ad hoc basis in relation to a specific applicant.

3.

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

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

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

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

Or. en

Amendment 1478
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission	*Amendment*
1. For a period of ***five*** years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe third countries or safe countries of origin other than those designated at Union level or which are on the EU common list in Annex 1 for the purposes of examining applications for international protection.	1. For a period of ***three*** years from entry into force of this Regulation, Member States may retain or introduce legislation that allows for the national designation of safe third countries or safe countries of origin other than those designated at Union level or which are on the EU common list in Annex 1 for the purposes of examining applications for international protection. ***During that period, they shall be responsible for making sure that the national lists of safe countries of origin and the EU common list of safe countries of origin are consistent with one another. This implies the following:***

Or. en

Justification

Wording aligned with Amendment 28 subparagraph (b) and Amendment 41 of the Parliament's position on the SCO Regulation.

Amendment 1479
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 50 – paragraph 1

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

purposes of examining applications for international protection.	***designation of safe third countries or safe countries of origin shall, for the designating Member State, be considered as complementary to the designated safe third countries or safe countries of origin at Union level.***

Or. en

Amendment 1480
Jussi Halla-aho

Proposal for a regulation
Article 50 – paragraph 1

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

Or. en

Amendment 1481
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 1 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) Member States shall notify the Commission of any changes made to their national list.

Or. en

Amendment 1482
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 1 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) Member States may propose to add third countries to the EU common list of safe countries of origin. The Commission shall then examine those proposals within six months of their submission, based on the range of information sources at its disposal, in particular EEAS reports and information provided by Member States, the Union Agency for Asylum, the UNHCR, the Council of Europe and other relevant international organisations and national or international non-governmental organisations. If it decides that a third country may be added to the list, the Commission shall draw up a proposal to enlarge the EU common list of safe countries of origin.

Or. en

Amendment 1483
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 1 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) Where a third country has been suspended from the EU common list of safe countries of origin pursuant to Article 49(1) of this Regulation, Member States shall not designate that country as a safe country of origin at the national level.

Or. en

Amendment 1484
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 1 – point d (new)

Text proposed by the Commission	*Amendment*
	(d) Where a third country has been removed from the EU common list of safe countries of origin pursuant to Article 49a, a Member State may notify the Commission where it considers that, following changes in the situation of that third country, it once again fulfils the criteria set out in Annex I to this Directive for being included in the EU common list of safe countries of origin.
	The Commission shall examine any such notification by a Member State and if appropriate, submit a proposal to the European Parliament and to the Council to amend the EU common list of safe countries of origin accordingly.
	If the Commission decides not to submit such a proposal, Member States shall not designate that country as a safe country of origin at national level.

Or. en

Amendment 1485
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 50 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1 a. Member States shall notify the Commission and the European Union Agency for Asylum of the third countries

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

Or. en

Justification

This text was moved up from Article 50 paragraph 4.

Amendment 1486
Kinga Gál

Proposal for a regulation
Article 50 – paragraph 2

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

Or. hu

Amendment 1487
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 2

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

Or. en

Justification

The relevant part of this text has been moved to the paragraph 1.

Amendment 1488
Jussi Halla-aho

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Where a third country is suspended from being designated as a safe third country at Union level or the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not designate that country as a safe third country or a safe third country of origin at national level nor shall they apply the safe third country concept on an ad hoc basis in relation to a specific applicant.	2. Where a third country is suspended from being designated as a safe third country at Union level or the presence of a third country has been suspended from the EU common list in Annex 1 to this Regulation pursuant to Article 49(1), Member States shall not***, without reasonable grounds,*** designate that country as a safe third country or a safe third country of origin at national level nor shall they apply the safe third country concept on an ad hoc basis in relation to a specific applicant.

Or. en

Amendment 1489
Kinga Gál

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

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

Or. hu

Amendment 1490
Péter Niedermüller, Sylvie Guillaume

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

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

Or. en

Justification

The amendment is tabled for consistency with amendment on paragraph 1.

Amendment 1491
Monika Hohlmeier, Heinz K. Becker

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

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

Or. en

Amendment 1492
Kinga Gál

Proposal for a regulation
Article 50 – paragraph 3 – subparagraph 2

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

Or. hu

Amendment 1493
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 3 – subparagraph 2

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

Or. en

Justification

The amendment is tabled for consistency with amendment on paragraph 1.

Amendment 1494
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 50 – paragraph 3 – subparagraph 2

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

Or. en

Amendment 1495

Kinga Gál

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

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

Or. hu

Amendment 1496
Jussi Halla-aho

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

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

Or. en

Amendment 1497
Péter Niedermüller, Sylvie Guillaume

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

Text proposed by the Commission	*Amendment*
The notifying Member State may only designate that third country as a safe third country or as a safe country of origin at national level provided that the	***deleted***

Commission does not object to that designation.

Or. en

Justification

The amendment is tabled for consistency with amendment on paragraph 1.

Amendment 1498
Monika Hohlmeier, Heinz K. Becker

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

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

Or. en

Amendment 1499
Kinga Gál

Proposal for a regulation
Article 50 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall notify the Commission and the European Union Agency for Asylum of the third countries that are designated as safe third countries or safe countries of origin at national level immediately after such designation. Member States shall inform the Commission and the Agency once a year of the other safe third countries to which the concept is applied on an ad hoc basis	***deleted***

in relation to specific applicants.

Or. hu

Amendment 1500
Monika Hohlmeier, Heinz K. Becker

Proposal for a regulation
Article 50 – paragraph 4

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

Or. en

Justification

This text was moved up to Article 50 new paragraph 1(a).

Amendment 1501
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Article 50 – paragraph 4 a (new)

Text proposed by the Commission	*Amendment*
	4 a. As from three years after the entry into force of this Regulation, only a third country that is on the EU common list of safe countries of origin as established, by this Regulation shall be considered to be a safe country of origin.

Or. en

Justification

Wording aligned to Amendment 39 of the Parliament's position on the SCO Regulation.

Amendment 1502
Marina Albiol Guzmán

Proposal for a regulation
Article 51

Text proposed by the Commission	*Amendment*
Article 51	***deleted***
Withdrawal of international protection	
The determining authority shall start the examination to withdraw international protection from a particular person when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).	

Or. en

Amendment 1503
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a regulation
Article 51

Text proposed by the Commission	*Amendment*
Article 51	***deleted***
Withdrawal of international protection	
The determining authority shall start the examination to withdraw international	

protection from a particular person when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. en

Amendment 1504
Péter Niedermüller

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission	*Amendment*
The determining authority ***shall*** start the examination to withdraw international protection from a particular person ***when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular*** in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).	The determining authority ***may*** start the examination to withdraw international protection from a particular person in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. en

Justification

The grounds for possible withdrawal of status are dealt with in the Qualifications Regulation and should remain there. The wording here has been aligned with the text adopted by the Parliament on the Qualifications Regulation.

Amendment 1505
Jussi Halla-aho

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission	*Amendment*
The determining authority shall start the examination to withdraw international protection from a particular person when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).	The determining authority shall start the examination to withdraw international protection from a particular person ***without undue delay*** when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular in those instances referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation).

Or. en

Amendment 1506
Marina Albiol Guzmán

Proposal for a regulation
Article 52

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

Or. en

Amendment 1507
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a regulation
Article 52 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, ***including in the context of a regular status review referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation),*** the	1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, the person concerned shall enjoy the following guarantees, in particular:

person concerned shall enjoy the following guarantees, in particular:

Or. en

Amendment 1508
Péter Niedermüller

Proposal for a regulation
Article 52 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, ***including in the context of a regular status review referred to in Articles 15 and 21 of Regulation (EU) No XXX/XXX (Qualification Regulation),*** the person concerned shall enjoy the following guarantees, in particular:	1. Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, the person concerned shall enjoy the following guarantees, in particular:

Or. en

Justification

The wording is aligned with the position the Parliament adopted on the Qualifications Regulation.

Amendment 1509
Jussi Halla-aho

Proposal for a regulation
Article 52 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) the competent authority is able to obtain precise and up-to-date information from ***various sources, such as, where appropriate, from*** the European Union Agency for Asylum and the ***United Nations High Commissioner for Refugees***, as to the general situation	(a) the competent authority is able to obtain precise and up-to-date information from the European Union Agency for Asylum and the ***European External Action Service***, as to the general situation prevailing in the countries of origin of the

prevailing in the countries of origin of the persons concerned; and	persons concerned; and

Or. en

Amendment 1510
Péter Niedermüller

Proposal for a regulation
Article 52 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The decision of the competent authority to withdraw international protection shall be given in writing. The reasons in fact and in law shall be stated in the decision ***and*** information on ***the manner in which*** to challenge the decision shall be given in writing.	3. The decision of the competent authority to withdraw international protection shall be given in writing ***without undue delay and in any case no later than seven days after the decision has been taken***. The reasons in fact and in law shall be stated in the decision**.** Information on ***how*** to challenge the decision **- *including on the relevant time-limits* -** shall be given in writing.

Or. en

Justification

The wording is aligned with the wording of Article 35(2) on informing applicants of the decision on their application. The same wording should be used on decisions taken to withdraw international protection.

Amendment 1511
Jussi Halla-aho

Proposal for a regulation
Article 52 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The decision of the competent authority to withdraw international protection shall be given in writing. The reasons in fact and in law shall be stated in the decision and information on the manner	3. The decision of the competent authority to withdraw international protection shall be ***made within two months from the initiation of the procedure and shall be*** given in writing.

in which to challenge the decision shall be given in writing.	The reasons in fact and in law shall be stated in the decision and information on the manner in which to challenge the decision shall be given in writing.

Or. en

Amendment 1512
Sergei Stanishev

Proposal for a regulation
Article 53 – paragraph 1 – point a – point i

Text proposed by the Commission	*Amendment*
(i) rejecting an application as inadmissible referred to in Article 36(1);	***deleted***

Or. en

Justification

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

Amendment 1513
Péter Niedermüller

Proposal for a regulation
Article 53 – paragraph 1 – point a – point iii

Text proposed by the Commission	*Amendment*
(iii) rejecting an application as explicitly withdrawn or ***as abandoned*** referred to in Articles 38 and 39;	(iii) rejecting an application as explicitly withdrawn or ***implicitly withdrawn as*** referred to in Articles 38 and 39;

Or. en

Justification

For consistency with earlier amendments.

Amendment 1514
Anna Maria Corazza Bildt, Caterina Chinnici, Carlos Coelho

Proposal for a regulation
Article 53 – paragraph 1 – point b a (new)

Text proposed by the Commission	*Amendment*
	(b a) a decision establishing that they are over 18 years of age.

Or. en

Amendment 1515
Beatrix von Storch

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Persons recognised as eligible for subsidiary protection have the right to an effective remedy against a decision considering an application unfounded in relation to refugee status.	***deleted***

Or. en

Amendment 1516
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 53 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2 a. In the case of applicants who claim to be unaccompanied minors, a decision taken determining their age referred to in Article 24.

Or. en

Justification

Unaccompanied minors should be able to challenge a decision on the determination of their age.

Amendment 1517
Marina Albiol Guzmán

Proposal for a regulation
Article 53 – paragraph 3

Text proposed by the Commission	*Amendment*
3. An effective remedy within the meaning of paragraph 1 shall provide for a full and ex nunc examination of both facts and points of law, including, where applicable, an examination of the international protection needs pursuant to Regulation (EU) No XXX/XXX (Qualification Regulation).	***deleted***
The applicant may only bring forward new elements which are relevant for the examination of his or her application and which he or she could not have been aware of at an earlier stage or which relate to changes to his or her situation.	

Or. en

Amendment 1518
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

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

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

Or. en

Justification

An appeal should consider the all elements presented by the applicant whether they have been raised at an earlier stage or not.

Amendment 1519
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

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

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

Or. en

Amendment 1520
Cecilia Wikström

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

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

Or. en

Justification

The applicant does not have a reason to withhold information that would increase his or her chances of receiving protection, this additional requirement only increases the risk of lengthy litigations over technical matters of when the information was known rather than focusing on the substantive issues.

Amendment 1521
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Bodil Valero, Judith Sargentini

Proposal for a regulation
Article 53 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3 a. The applicant shall have a right to an oral hearing before a first level appeal court or tribunal.

Or. en

Amendment 1522
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Applicants shall lodge appeals against any decision referred to in paragraph 1***:***	Applicants shall lodge appeals against any decision referred to in paragraph 1 ***within one month of receipt of the notification of such decision.***

Or. en

Amendment 1523
Beatrix von Storch

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Applicants ***shall*** lodge appeals against any decision referred to in paragraph 1:	Applicants ***may*** lodge appeals against any decision referred to in paragraph 1:

Or. en

Amendment 1524
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

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

Text proposed by the Commission	*Amendment*
(a) within one week in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded;	***deleted***

Or. en

Amendment 1525
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(a) within ***one week*** in the case of a decision rejecting ***a subsequent*** application as ***inadmissible or manifestly unfounded;***	(a) within ***a month*** in the case of a decision rejecting ***an application as inadmissible or in the case of a decision rejecting an*** application as ***withdrawn, or in the case of a decision rejecting an application in relation to refugee or subsidiarity protection status.***

Or. en

Amendment 1526
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar

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

Text proposed by the Commission	*Amendment*
(a) within ***one week*** in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded;	(a) within ***two weeks*** in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded;

Or. en

Justification

One week is an unrealistically short deadline

Amendment 1527
Péter Niedermüller

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

Text proposed by the Commission	*Amendment*
(a) within ***one week*** in the case of a decision rejecting a subsequent application ***as inadmissible or manifestly unfounded***;	(a) within ***15 working days*** in the case of a decision rejecting a subsequent application;

Or. en

Justification

The time-limits proposed by the Commission are very demanding on the applicant, particularly where the applicant is detained. Sufficient time must be provided to allow the applicant to properly exercise his or her right to an effective remedy.

Amendment 1528
Marina Albiol Guzmán

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

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

Or. en

Amendment 1529
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

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

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

Or. en

Amendment 1530

Péter Niedermüller

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

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

Or. en

Amendment 1531
Emil Radev

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

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

Or. bg

Amendment 1532
Monika Hohlmeier, Heinz K. Becker

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

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

Or. en

Amendment 1533
Beatrix von Storch

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

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

Or. en

Amendment 1534
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

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

Text proposed by the Commission	*Amendment*
(c) within one month in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.	***deleted***

Or. en

Amendment 1535
Marina Albiol Guzmán

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

Text proposed by the Commission	*Amendment*
(c) within one month in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.	***deleted***

Or. en

Amendment 1536
Emil Radev

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

Text proposed by the Commission	*Amendment*
c) within one ***month*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.	c) within one ***week*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.

Or. bg

Amendment 1537
Jussi Halla-aho

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

Text proposed by the Commission	*Amendment*
(c) within ***one month*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.	(c) within ***three weeks*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection.

Or. en

Amendment 1538
Monika Hohlmeier, Heinz K. Becker

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

Text proposed by the Commission	*Amendment*
(c) within ***one month*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing	(c) within ***two weeks*** in the case of a decision rejecting an application as unfounded in relation to the refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing

international protection.	international protection.

Or. en

Amendment 1539
Beatrix von Storch

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

Text proposed by the Commission	*Amendment*
(c) within one month in the case of a decision rejecting an application as unfounded in relation to the refugee ***or subsidiary protection*** status if the examination is not accelerated or in the case of a decision withdrawing international protection.	(c) within one month in the case of a decision rejecting an application as unfounded in relation to the refugee status if the examination is not accelerated or in the case of a decision withdrawing international protection.

Or. en

Amendment 1540
Ska Keller
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Bodil Valero

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 2

Text proposed by the Commission	*Amendment*
For the purposes of point (b), Member States ***may*** provide for an ex officio review of decisions taken pursuant to a border procedure.	Member States ***shall*** provide for an ex officio review of decisions taken pursuant to a border procedure ***or of decisions issued while the applicant is held in detention***.

Or. en

Amendment 1541
Marina Albiol Guzmán

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 2

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

Or. en

Amendment 1542
Marina Albiol Guzmán

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 3

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

Or. en

Amendment 1543
Péter Niedermüller, Caterina Chinnici, Ana Gomes, Josef Weidenholzer

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 3

Text proposed by the Commission	*Amendment*
The time-limits provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant or ***from the moment the legal adviser or counsellor is appointed if*** the applicant ***has introduced*** a request for ***free*** legal assistance and representation.	The time-limits provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant or ***beneficiary. Following the notification to the applicant or beneficiary, and where*** the applicant ***or beneficiary has made*** a request for legal assistance and representation ***in accordance with Article 14(1) and/or Article 15(1), the time-limits shall start to run from the date on which the legal advisor or counsellor is appointed***.

Or. en

Justification

The time-limits for lodging appeals should be clear. In particular, where an applicant or beneficiary wishes to have legal assistance and representation, the time-limits should run only from the moment the lawyer is appointed, notwithstanding that the applicant or beneficiary should have first been notified of the decision.

Amendment 1544
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert, Bodil Valero

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 3

Text proposed by the Commission	*Amendment*
The ***time-limits*** provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant ***or from the moment the*** legal ***adviser or counsellor is appointed if the applicant has introduced a request for free*** legal ***assistance and representation***.	The ***time-limit*** provided for in this paragraph shall start to run from the date when the decision of the determining authority is notified to the applicant***. Where the applicant has requested free*** legal ***assistance and representation according to Article 15(1), after notification of such decision, these time limits shall start to run from the date when the*** legal ***advisor or counsellor is appointed***.

Or. en

Amendment 1545
Jussi Halla-aho

Proposal for a regulation
Article 53 – paragraph 6 – subparagraph 3

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

Or. en

Amendment 1546
Marina Albiol Guzmán

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible, either upon the applicant's request or acting ex officio, where the applicant's right to remain in the Member State is terminated as a consequence of any of the following categories of decisions:	***deleted***
(a) a decision which considers an application to be manifestly unfounded or rejects the application as unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or	

border procedure;

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

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

Or. en

Amendment 1547
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible, either upon the applicant's request or acting ex officio, where the applicant's right to remain in the Member State is terminated as a consequence of any of the following categories of decisions:	***deleted***
(a) a decision which considers an application to be manifestly unfounded or rejects the application as unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or border procedure;	
(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a) and (c);	
(c) a decision which rejects an application as explicitly withdrawn or abandoned in accordance with Article 38 or Article 39,	

respectively.

Or. en

Amendment 1548
Beatrix von Storch

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission	*Amendment*
2. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible, either upon the applicant's request or acting ex officio, where the applicant's right to remain in the Member State is terminated as a consequence of any of the following categories of decisions:	***deleted***
(a) a decision which considers an application to be manifestly unfounded or rejects the application as unfounded in relation to refugee or subsidiary protection status in the cases subject to an accelerated examination procedure or border procedure;	
(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a) and (c);	
(c) a decision which rejects an application as explicitly withdrawn or abandoned in accordance with Article 38 or Article 39, respectively.	

Or. en

Amendment 1549
Jussi Halla-aho

Proposal for a regulation
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission	*Amendment*
2. ***A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible, either upon the applicant's request or acting ex officio, where the*** applicant's right to remain in the Member State ***is*** terminated as a consequence of any of the following categories of decisions:	2. ***Without prejudice to paragraph one,*** applicant's right to remain in the Member State ***shall be*** terminated as a consequence of any of the following categories of decisions:

Or. en

Amendment 1550
Péter Niedermüller

Proposal for a regulation
Article 54 – paragraph 2 – point a

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

Or. en

Justification

As the right to remain is central to an application for international protection, so it is central on appeal against a decision rejecting an application. There may be circumstances upon a subsequent application, or where the initial application was explicitly withdrawn, where it is reasonable to allow a Court to determine whether the applicant can remain on the territory. Otherwise an appeal should always have suspensive effect.

Amendment 1551
Jussi Halla-aho

Proposal for a regulation

Article 54 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a) and (c);	(b) a decision which rejects an application as inadmissible pursuant to Article 36(1)(a)***, (b)*** and (c);

Or. en

Amendment 1552
Péter Niedermüller

Proposal for a regulation
Article 54 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) a decision which rejects an application as inadmissible pursuant to Article ***36(1)(a) and*** (c);	(b) a decision which rejects an application as inadmissible pursuant to Article ***36(1)*** (c);

Or. en

Amendment 1553
Péter Niedermüller

Proposal for a regulation
Article 54 – paragraph 2 – point c

Text proposed by the Commission	*Amendment*
(c) a decision which rejects an application as explicitly withdrawn ***or abandoned*** in accordance with Article 38 ***or Article 39, respectively***.	(c) a decision which rejects an application as explicitly withdrawn in accordance with Article 38.

Or. en

Amendment 1554
Jussi Halla-aho

Proposal for a regulation
Article 54 – paragraph 2 – point c a (new)

Text proposed by the Commission	*Amendment*
	(c a) (D) an administrative or a judicial decision which discloses that the appealer's residence on the territory of the Member State endangers the internal security or public order.

Or. en

Amendment 1555
Marina Albiol Guzmán

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible provided that:	***deleted***
(a) the applicant has the necessary interpretation, legal assistance and sufficient time to prepare the request and submit to the court or tribunal the arguments in favour of granting him or her the right to remain on the territory pending the outcome of the remedy; and	
(b) in the framework of the examination of a request to remain on the territory of the Member State responsible, the court or tribunal examines the decision refusing to grant international protection in terms of fact and law.	

Or. en

Amendment 1556
Beatrix von Storch

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible provided that:	***deleted***
(a) the applicant has the necessary interpretation, legal assistance and sufficient time to prepare the request and submit to the court or tribunal the arguments in favour of granting him or her the right to remain on the territory pending the outcome of the remedy; and	
(b) in the framework of the examination of a request to remain on the territory of the Member State responsible, the court or tribunal examines the decision refusing to grant international protection in terms of fact and law.	

Or. en

Amendment 1557
Jussi Halla-aho

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible provided that:	***deleted***
(a) the applicant has the necessary interpretation, legal assistance and sufficient time to prepare the request and submit to the court or tribunal the arguments in favour of granting him or her the right to remain on the territory pending the outcome of the remedy; and	

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

Or. en

Amendment 1558
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission	*Amendment*
3. A court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State responsible provided that:	***deleted***
(a) the applicant has the necessary interpretation, legal assistance and sufficient time to prepare the request and submit to the court or tribunal the arguments in favour of granting him or her the right to remain on the territory pending the outcome of the remedy; and	
(b) in the framework of the examination of a request to remain on the territory of the Member State responsible, the court or tribunal examines the decision refusing to grant international protection in terms of fact and law.	

Or. en

Amendment 1559
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 54 – paragraph 4

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

Or. en

Amendment 1560
Beatrix von Storch

Proposal for a regulation
Article 54 – paragraph 4

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

Or. en

Amendment 1561
Marina Albiol Guzmán

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall allow the applicant to remain on their territory pending the outcome of the procedure to	***deleted***

rule on whether or not the applicant may remain on the territory. That decision shall be taken within one month from the lodging of the appeal.

Or. en

Amendment 1562
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 54 – paragraph 5

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

Or. en

Amendment 1563
Marina Albiol Guzmán

Proposal for a regulation
Article 54 – paragraph 5

Text proposed by the Commission	*Amendment*
5. An applicant who lodges a further appeal against a first or subsequent appeal decision shall not have a right to remain on the territory of the Member State unless a court or tribunal decides otherwise upon the applicant's request or acting ex officio. That decision shall be	***deleted***

taken within one month from the lodging of that further appeal.

Or. en

Amendment 1564
Beatrix von Storch

Proposal for a regulation
Article 54 – paragraph 5

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

Or. en

Amendment 1565
Jussi Halla-aho

Proposal for a regulation
Article 54 – paragraph 5

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

Or. en

Amendment 1566
Maria Grapini

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. Without prejudice to an adequate and complete examination of an appeal, the courts or tribunals shall decide on the first level of appeal within ***the following timelimits*** from when the appeal is lodged:	1. Without prejudice to an adequate and complete examination of an appeal, the courts or tribunals shall decide on the first level of appeal within ***a reasonable timelimit*** from when the appeal is lodged:

Or. ro

Justification

The deadlines proposed in the Regulation could cause the CEAS to malfunction if a disproportionate number of applications were made simultaneously.

Amendment 1567
Jussi Halla-aho

Proposal for a regulation
Article 55 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) within ***six*** months in the case of a decision rejecting the application as unfounded in relation to refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection;	(a) within ***five*** months in the case of a decision rejecting the application as unfounded in relation to refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection;

Or. en

Amendment 1568
Beatrix von Storch

Proposal for a regulation
Article 55 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) within six months in the case of a decision rejecting the application as unfounded in relation to refugee ***or subsidiary protection status*** if the examination is not accelerated or in the case of a decision withdrawing international protection;	(a) within six months in the case of a decision rejecting the application as unfounded in relation to refugee if the examination is not accelerated or in the case of a decision withdrawing international protection;

Or. en

Amendment 1569
Maria Grapini

Proposal for a regulation
Article 55 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) ***within six months*** in the case of a decision rejecting the application as unfounded in relation to refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection;	(a) in the case of a decision rejecting the application as unfounded in relation to refugee or subsidiary protection status if the examination is not accelerated or in the case of a decision withdrawing international protection;

Or. ro

Amendment 1570
Beatrix von Storch

Proposal for a regulation
Article 55 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) within two months in the case of a decision rejecting an application as inadmissible or in the case of a decision rejecting an application as explicitly withdrawn or as abandoned or as	(b) within two months in the case of a decision rejecting an application as inadmissible or in the case of a decision rejecting an application as explicitly withdrawn or as abandoned or as

unfounded or manifestly unfounded in relation to refugee ***or subsidiary protection*** status following an accelerated examination procedure or a border procedure or while the applicant is held in detention;	unfounded or manifestly unfounded in relation to refugee status following an accelerated examination procedure or a border procedure or while the applicant is held in detention;

Or. en

Amendment 1571
Maria Grapini

Proposal for a regulation
Article 55 – paragraph 1 – point b

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

Or. ro

Amendment 1572
Maria Grapini

Proposal for a regulation
Article 55 – paragraph 1 – point c

Text proposed by the Commission	*Amendment*
(c) ***within one month*** in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded.	(c) in the case of a decision rejecting a subsequent application as inadmissible or manifestly unfounded.

Or. ro

Amendment 1573
Jussi Halla-aho

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In cases involving complex issues of fact or law, the time-limits set out in paragraph 1 may be prolonged by an additional ***three*** month-period.	2. In cases involving complex issues of fact or law, the time-limits set out in paragraph 1 may be prolonged by an additional ***two*** month-period.

Or. en

Amendment 1574
Emil Radev

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In cases involving complex issues of fact or law, the time-limits set out in paragraph 1 may be prolonged ***by an additional three month-period***.	2. In cases involving complex issues of fact or law, the time-limits set out in paragraph 1 may be prolonged.

Or. bg

Amendment 1575
Brice Hortefeux

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** does not affect the possibility for public authorities ***to challenge*** the administrative or judicial decisions as provided for in national	This ***Directive*** does not affect the possibility for public authorities ***of challenging*** the administrative or judicial decisions as provided for in national

legislation.	legislation.

Or. fr

Amendment 1576
Marina Albiol Guzmán

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** does not affect the possibility for public authorities to challenge the administrative or judicial decisions as provided for in national legislation.	This ***Directive*** does not affect the possibility for public authorities to challenge the administrative or judicial decisions as provided for in national legislation.

Or. en

Amendment 1577
Cecilia Wikström, Sophia in 't Veld, Angelika Mlinar, Filiz Hyusmenova

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the responsible authorities.	2. Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the responsible authorities ***as well as between the responsible authorities and the European Union Agency for Asylum***.

Or. en

Justification

Cooperation needs to be strengthened also with the EUAA

Amendment 1578
Marina Albiol Guzmán

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The power to adopt delegated acts referred to in paragraph 1 shall be conferred on the Commission for a period of five years from the date of entry into force of this ***Regulation***. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in paragraph 1 shall be conferred on the Commission for a period of five years from the date of entry into force of this ***Directive***. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 1579
Péter Niedermüller

Proposal for a regulation
Article 59 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Such a delegated act and its extensions shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ***one month*** from notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.	5. Such a delegated act and its extensions shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ***two months*** from notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

Or. en

Justification

It is imperative that the Parliament and Council have adequate time to consider the content of a delegated act before it enters into force. A period of one month does not permit the Parliament to go through all of its internal processes to object to a delegated act and is thus not appropriate. Two months is the minimum period which the co-legislators should be granted.

Amendment 1580
Brice Hortefeux

Proposal for a regulation
Article 60 – paragraph 1

Text proposed by the Commission	*Amendment*
By [two years from entry into force of this ***Regulation***] and every five years thereafter, the Commission shall report to the European Parliament and the Council on the application of this ***Regulation*** in the Member States and shall, where appropriate, propose any amendments.	By [two years from entry into force of this ***Directive***] and every five years thereafter, the Commission shall report to the European Parliament and the Council on the application of this ***Directive*** in the Member States and shall, where appropriate, propose any amendments.

Or. fr

Amendment 1581
Marina Albiol Guzmán

Proposal for a regulation
Article 60 – paragraph 1

Text proposed by the Commission	*Amendment*
By [***two years*** from entry into force of this ***Regulation***] and every ***five*** years thereafter, the Commission shall report to the European Parliament and the Council on the application of this ***Regulation*** in the Member States and shall, where appropriate, propose any amendments.	By [***one year*** from entry into force of this ***Directive***] and every ***two*** years thereafter, the Commission shall report to the European Parliament and the Council on the application of this ***Directive*** in the Member States and shall, where appropriate, propose any amendments.

Or. en

Amendment 1582
Marina Albiol Guzmán

Proposal for a regulation
Article 60 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The European Parliament, the Fundamental Rights Agency, and the European Ombudswoman shall write reports in the same time frame evaluating the system and the situation of fundamental rights under it.

Or. en

Amendment 1583
Péter Niedermüller

Proposal for a regulation
Article 60 – paragraph 2

Text proposed by the Commission	*Amendment*
Member States shall, at the request of the Commission, send it the necessary information for drawing up its report not later than nine months before that time-limit expires.	Member States shall, at the request of the Commission, send it the necessary information for drawing up its report not later than nine months before that time-limit expires. ***As part of its report, the Commission shall report on the methodology it has used to assess the situation in third countries included in the EU common list of safe third countries, or the potential inclusion or suspension of such countries from the list. It shall also report on the implementation of procedural safeguards for those seeking international protection originating from a country on the EU common list of safe countries of origin.***

Or. en

Justification

Wording based on Amendment 43 of the Parliament's position on the SCO Regulation.

Amendment 1584
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 60 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	Member States shall regularly report to the Commission in relation to the implementation and application of Section III of this Regulation.

Or. en

Justification

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

Amendment 1585
Brice Hortefeux

Proposal for a regulation
Article 60 a (new)

Text proposed by the Commission	*Amendment*
	Article 60a
	Transposition
	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the articles of this Directive. They shall immediately communicate the text of those measures to the Commission.

	2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Or. fr

Amendment 1586
Brice Hortefeux

Proposal for a regulation
Article 61 – paragraph 1

Text proposed by the Commission	*Amendment*
Directive 2013/32/EU is repealed.	Directive 2013/32/EU is repealed ***for the Member States bound by this Directive, without prejudice to the obligations of the Member States relating to the time limit for transposition into national law of the Directive***.

Or. fr

Amendment 1587
Marina Albiol Guzmán

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission	*Amendment*
References to the repealed Directive shall be construed as references to this ***Regulation*** and shall be read in accordance with the correlation table in Annex 2.	References to the repealed Directive shall be construed as references to this ***Directive*** and shall be read in accordance with the correlation table in Annex 2.

Or. en

Amendment 1588
Brice Hortefeux

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This ***Directive*** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Or. fr

Amendment 1589
Marina Albiol Guzmán

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission	*Amendment*
This ***Regulation*** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This ***Directive*** shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Or. en

Amendment 1590
Brice Hortefeux

Proposal for a regulation
Article 62 – paragraph 2

Text proposed by the Commission	*Amendment*
This Regulation shall start to apply from [six months from its entry into force].	***deleted***

Or. fr

Amendment 1591

Marina Albiol Guzmán

Proposal for a regulation
Article 62 – paragraph 2

Text proposed by the Commission	*Amendment*
This ***Regulation*** shall start to apply from [six months from its entry into force].	This ***Directive*** shall start to apply from [six months from its entry into force].

Or. en

Amendment 1592
Brice Hortefeux

Proposal for a regulation
Article 62 – paragraph 3

Text proposed by the Commission	*Amendment*
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	***deleted***

Or. fr

Amendment 1593
Marina Albiol Guzmán

Proposal for a regulation
Article 62 – paragraph 3

Text proposed by the Commission	*Amendment*
This ***Regulation*** shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This ***Directive*** shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Or. en

Amendment 1594
Marina Albiol Guzmán

Proposal for a regulation
Annex I

Text proposed by the Commission	*Amendment*
EU common list of safe countries of origin referred to in Article 48	***deleted***
Albania,	
Bosnia and Herzegovina,	
the former Yugoslav Republic of Macedonia,	
Kosovo*[39] ,	
Montenegro,	
Serbia,	
Turkey.	

_____

[39] * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Or. en

Amendment 1595
Laura Ferrara

Proposal for a regulation
Annex I – paragraph 7

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

Or. it

Amendment 1596
Péter Niedermüller, Sylvie Guillaume

Proposal for a regulation
Annex I – paragraph 7

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

Or. en

Justification

Based on the Commission's Turkey 2016 Report (COM(2016) 715) and the EASO Country of Origin Information Report Turkey Country Focus (November 2016) Turkey does not comply with the criteria of the safe country of origin in accordance with Article 47.