



**2016/0131(COD)**

2.12.2016

# **OPINION**

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council  
on the European Union Agency for Asylum and repealing Regulation (EU) No  
439/2010  
(COM(2016)271 – C8-0174/2016 – 2016/0131(COD))

Rapporteur: Ramona Nicole Mănescu

## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 1

###### *Text proposed by the Commission*

(1) The objective of the Union's policy on asylum is to develop and establish a Common European Asylum System (CEAS), consistent with the values and humanitarian tradition of the European Union and governed by the principle of solidarity and fair sharing of responsibility.

###### *Amendment*

(1) The objective of the Union's policy on asylum is to develop and establish a Common European Asylum System (CEAS), consistent with ***relevant international and Union law, in particular the Charter of Fundamental Rights of the European Union***, the values and humanitarian tradition of the European Union and governed by the principle of solidarity and fair sharing of responsibility, ***as well as differentiating between regional specificities and the discrepancies in the burdens on individual Member States.***

### Amendment 2

#### Proposal for a regulation

##### Recital 2

###### *Text proposed by the Commission*

(2) The CEAS is based on common minimum standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress on the CEAS, there are ***still*** significant ***disparities*** between the Member States in the granting of international protection and in the form that such international protection takes. Those disparities should be addressed by ensuring greater ***convergence*** in the assessment of

###### *Amendment*

(2) The CEAS is based on common minimum standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress on the CEAS, there are significant ***differences*** between the Member States in the granting of international protection and in the form that such international protection takes, ***due to variations in regional and geopolitical challenges.*** Those disparities should be addressed by

applications for international protection and by guaranteeing a high **and uniform** level of application of Union law across the Union.

ensuring greater **cooperation** in the assessment of applications for international protection and by guaranteeing a high level of application **and efficient enforcement** of Union **and international** law across the Union **based on best practices and better involvement of regional actors**.

### Amendment 3

#### Proposal for a regulation

##### Recital 5

*Text proposed by the Commission*

(5) Having regard to structural weaknesses of the CEAS brought to the fore by large-scale and uncontrolled arrival of migrants and asylum seekers to the Union and the need for an efficient, high and uniform level of the application of Union asylum law in Member States, it is necessary to improve the implementation and functioning of the CEAS by building on the work of the European Asylum Support Office and further develop it into a fully-fledged agency which should be responsible for facilitating and improving the functioning of the CEAS, for enabling a sustainable and fair distribution of applications for international protection for ensuring convergence in the assessment of applications for international protection across the Union, and for monitoring the operational and technical application of Union law.

*Amendment*

(5) Having regard to structural weaknesses of the CEAS brought to the fore by large-scale and uncontrolled arrival of migrants and asylum seekers to the Union and the need for an efficient, high and uniform level of the application of Union **and international** asylum law in Member States, it is necessary to improve the implementation and functioning of the CEAS by building on the work of the European Asylum Support Office and further develop it into a fully-fledged agency which should be responsible for facilitating and improving the functioning of the CEAS, for enabling a sustainable and fair distribution of applications for international protection for ensuring convergence in the assessment of applications for international protection across the Union, and for monitoring the operational and technical application of Union **and international** law.

### Amendment 4

#### Proposal for a regulation

##### Recital 6

*Text proposed by the Commission*

(6) The tasks of the European Asylum Support Office should be **expanded**, and to

*Amendment*

(6) The tasks of the European Asylum Support Office should be **targeted**, and to

reflect those changes, it should be renamed European Union Agency for Asylum. The Agency should be a centre of expertise and its main role should be to strengthen practical cooperation and information exchange among Member States on asylum, promote Union law and operational standards to ensure ***a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, monitor the operational and technical application of Union law and standards as regards asylum, support the Dublin system and provide*** increased operational and technical support to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

reflect those changes, it should be renamed European Union Agency for Asylum. The Agency should be a centre of expertise and its main role should be to strengthen ***and encourage*** practical cooperation and information exchange ***on best practices*** among Member States on asylum, promote Union law and operational standards to ensure increased operational and technical support to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure, ***increased coordination between Frontex and Member States with a view to acting more effectively in the protection of the Union's external borders and with a view to preventing unmanageable situations of migratory pressure, strengthening the combating of trafficking in human beings and managing secondary movements in a regulated way.***

## Amendment 5

### Proposal for a regulation

#### Recital 7

##### *Text proposed by the Commission*

(7) The European Union Agency for Asylum should work in close cooperation with Member States' asylum authorities, with national immigration and asylum services and other services, drawing on the capacity and expertise of those services, ***and*** with the Commission. Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological specifications of Regulation (EC) No 862/2007.<sup>8</sup>

##### *Amendment*

(7) The European Union Agency for Asylum should work in close cooperation with Member States' asylum authorities, with national immigration and asylum services and other services, drawing on the capacity and expertise of those services, with the Commission, ***the European External Action Service (EEAS) and Union delegations in countries of origin and transit.*** Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological

specifications of Regulation (EC) No 862/2007.<sup>8</sup>

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<sup>8</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

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<sup>8</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

## Amendment 6

### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

(8) The European Union Agency for Asylum should gather and analyse information on the situation of asylum in the Union **and** in third countries insofar as this may have an impact on the Union. That should enable the Agency to assist Member States in better understanding the factors for asylum-related migration towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.

##### *Amendment*

(8) The European Union Agency for Asylum should gather and analyse information on the situation of asylum in the Union, in third countries **and in transit countries, in cooperation with the UNHCR and the Consultative Forum**, insofar as this may have an impact on the Union **and specifically on a Member State directly affected due to proximity with the third country**. That should enable the Agency to assist Member States in better understanding the factors for asylum-related migration towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.

## Amendment 7

### Proposal for a regulation

#### Recital 11

##### *Text proposed by the Commission*

(11) The European Union Agency for Asylum should ensure a more structured and streamlined production of information

##### *Amendment*

(11) The European Union Agency for Asylum should ensure a more structured and streamlined production of information

on countries of origin at the level of the European Union. It is necessary for the Agency to gather information and draw up reports providing for country of origin information by making use of European networks on country of origin information so as to avoid duplication and create synergies with national reports. Furthermore, to ensure convergence in the assessment of applications for international protection and the nature and quality of protection granted, the Agency should, together with Member States, engage in and develop a common analysis providing guidance on the situation in specific countries of origin.

on countries of origin ***and transit*** at the level of the European Union. It is necessary for the Agency to gather information and draw up reports providing for country of origin ***and transit*** information by making use of European networks, ***in particular the EEAS, Union delegations and diplomatic missions of Member States***, on country of origin information so as to avoid duplication and create synergies with national reports. Furthermore, to ensure convergence ***and high standards*** in the assessment of applications for international protection and the nature and quality of protection granted, the Agency should, together with Member States, engage in and develop a common analysis providing guidance on the situation in specific countries of origin. ***Such common analysis should be developed taking into account the most recent relevant information and reports of the IOM, international and national organisations and the UNHCR, such as Fact-Finding Missions reports and country/situation specific position papers and eligibility guidelines relating to the specific country of origin and transit. Where there is a conflict between the common analysis and UNHCR guidance, the latter should be carefully taken into account by Member States when examining individual applications for international protection in accordance with the supervisory responsibility of the UNHCR as set out in paragraph 8 of the Statute of the Office of the High Commissioner for Refugees, read in conjunction with Article 35 of the 1951 Convention relating to the Status of Refugees (1951 Convention) and Article II of the 1967 Protocol relating to the Status of Refugees (1967 Protocol).***

## **Amendment 8**

### **Proposal for a regulation Recital 12**

*Text proposed by the Commission*

(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX<sup>9</sup> should be regularly reviewed by the Commission. Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also, ***at the request of the Commission, provide it*** with information on specific third countries which could be included in the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply.

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<sup>9</sup> OJ L [...]

## **Amendment 9**

### **Proposal for a regulation**

#### **Recital 13**

*Text proposed by the Commission*

(13) To ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, the Agency should organise and coordinate activities promoting Union law. For that purpose, the Agency should assist Member States by developing operational standards and indicators for monitoring compliance

*Amendment*

(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX ***of the European Parliament and the Council***<sup>9</sup> should be regularly reviewed by the Commission, ***in cooperation with the EEAS, while ensuring that the principle of non-refoulement and the individual right to asylum, in particular of persons belonging to vulnerable groups such as unaccompanied minors, are not undermined.*** Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also ***provide the Commission and the European Parliament*** with information on specific third countries which could be included in the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply.

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<sup>9</sup> OJ L [...]

*Amendment*

(13) To ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, the Agency should organise and coordinate activities promoting ***international and*** Union law. For that purpose, the Agency should assist Member States by developing operational standards and indicators for

with those standards. The Agency should also develop guidelines on asylum-related matters and should enable the exchange of best practices among Member States.

monitoring compliance with those standards. The Agency should also develop guidelines on asylum-related matters and should enable, ***encourage and coordinate*** the exchange of best practices among Member States, ***in collaboration with the Fundamental Rights Agency, the UNHCR and the Consultative forum***

## Amendment 10

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits ***and*** case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, ***make draft recommendations to*** the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

##### *Amendment*

(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, ***international organisations and non-governmental organisations at national or Union level and relevant United Nations (UN) human rights treaty monitoring bodies and Council of Europe human rights monitoring mechanisms***, information analysis on the situation of asylum developed by the Agency, on-site visits, ***exchange with national authorities and experts, as well as*** case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, ***provide*** the Member State ***with recommendations*** concerned outlining the necessary measures to address



serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

## Amendment 11

### Proposal for a regulation Recital 15

#### *Text proposed by the Commission*

(15) The recommendations should be followed up on the basis of an action plan prepared by the Member State concerned. If, within the set period of time, the Member State concerned does not take the necessary measures to address the recommendations, and the shortcomings in the asylum and reception systems are so serious that they jeopardize the functioning of the CEAS, the Commission should, based on its own assessment of the implementation of the action plan and the seriousness of the shortcomings, adopt recommendations addressed to that Member State outlining the measures needed to remedy the serious shortcomings. The Commission may need to organise on-site visits to the Member State concerned to verify the implementation of the action plan. ***Where necessary, the Commission should also identify the measures that should be taken by the Agency in support of that Member State.*** If the Member State should remain non-compliant for a certain period of time, the Commission may take further action requiring the Agency to intervene in support of that Member State.

#### *Amendment*

(15) The recommendations should be followed up on the basis of an action plan prepared by the Member State concerned. ***The Commission should also identify the measures that should be taken by the Union and the Agency in support of that Member State.*** If, within the set period of time, the Member State concerned does not take the necessary measures to address the recommendations, and the shortcomings in the asylum and reception systems are so serious that they jeopardize the functioning of the CEAS, the Commission should, based on its own assessment of the implementation of the action plan and the seriousness of the shortcomings, adopt recommendations addressed to that Member State outlining the measures needed to remedy the serious shortcomings. The Commission may need to organise on-site visits to the Member State concerned to verify the implementation of the action plan. If the Member State should remain non-compliant for a certain period of time, the Commission may take further action requiring the ***Union and the Agency*** to intervene in support of that Member State ***and continue insisting on the need for compliance.***

## Amendment 12

### Proposal for a regulation Recital 16

*Text proposed by the Commission*

(16) To facilitate and improve the proper functioning of the CEAS and to assist Member States in implementing their obligations within the framework of CEAS, the European Union Agency for Asylum should provide Member States with operational and technical assistance, in particular when their asylum and receptions systems are subject to disproportionate pressure. The Agency should provide the necessary operational and technical assistance through the deployment of asylum support teams consisting of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency, and based on an operational plan. Those teams should support Member States with operational and technical measures, including by providing expertise relating to identification and registration of third countries nationals, interpreting services, information on countries of origin and knowledge of the handling and management of asylum cases, as well as by assisting national authorities competent for the examination of applications for international protection and by assisting with relocation. The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.

**Amendment 13**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) In cases where a Member State's asylum and reception systems are subject

*Amendment*

(16) To facilitate and improve the proper functioning of the CEAS and to assist Member States in implementing their obligations within the framework of CEAS, the European Union Agency for Asylum should provide Member States with operational and technical assistance, in particular when their asylum and receptions systems are subject to disproportionate pressure. The Agency should provide the necessary operational and technical assistance through the deployment of asylum support teams consisting of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency, and based on an operational plan. ***Experts in the asylum support teams should be trained by the Agency and have relevant experience.*** Those teams should support Member States with operational and technical measures, including by providing expertise relating to identification and registration of third countries nationals, interpreting services, information on countries of origin and knowledge of the handling and management of asylum cases, as well as by assisting national authorities competent for the examination of applications for international protection and by assisting with relocation. The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.

*Amendment*

(17) In cases where a Member State's asylum and reception systems are subject

to disproportionate pressure that places exceptionally heavy and urgent demands on their asylum or reception systems, the European Union Agency for Asylum should assist that Member State upon request or on the Agency's own initiative, by means of a comprehensive set of measures, including the deployment of experts from the asylum intervention pool. To ensure the availability of those experts and their immediate deployment, the asylum intervention pool should constitute a reserve of experts from Member States amounting to a minimum of 500 persons. The Agency should itself be able to intervene in support of a Member State where despite the disproportionate pressure, the Member State concerned does not request for sufficient assistance from the Agency or the Member State does not take sufficient action to address that pressure with the consequence that the asylum and reception systems would be ineffective to the extent of jeopardising the functioning of the CEAS. A disproportionate number of applications for international protection for which a Member State is responsible may be an indication of disproportionate pressure.

to disproportionate pressure that places exceptionally heavy and urgent demands on their asylum or reception systems, the European Union Agency for Asylum should assist that Member State upon request or on the Agency's own initiative, by means of a comprehensive set of measures, including the deployment of experts from the asylum intervention pool. To ensure the availability of those experts and their immediate deployment, the asylum intervention pool should constitute a reserve of experts from Member States amounting to a minimum of 500 persons. ***If necessary, the Agency should be able to recruit personnel in order to be able to provide the required support to Member States.*** The Agency should itself be able to intervene in support of a Member State where despite the disproportionate pressure, the Member State concerned does not request for sufficient assistance from the Agency or the Member State does not take sufficient action to address that pressure with the consequence that the asylum and reception systems would be ineffective to the extent of jeopardising the functioning of the CEAS. A disproportionate number of applications for international protection for which a Member State is responsible may be an indication of disproportionate pressure.

## Amendment 14

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and ***assist*** in the ***better*** relocation of

*Amendment*

(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical, ***economic*** or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and ***the fair***

beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.

*sharing of responsibility, assisting in the fastest possible relocation of applicants for and beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused and supporting Member States affected in their efforts to prevent abuse through illegal migration.*

## Amendment 15

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) For the purpose of fulfilling its mission, and to the extent required for the accomplishment of its tasks, the European Union Agency for Asylum should cooperate with Union bodies, agencies and offices, in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and the European Union Agency for Fundamental Rights, in matters covered by this Regulation in the framework of working arrangements concluded in accordance with Union law and policy. Those working arrangements should receive the Commission's prior approval.

*Amendment*

(21) For the purpose of fulfilling its mission, and to the extent required for the accomplishment of its tasks, the European Union Agency for Asylum should cooperate with *national authorities*, Union bodies, agencies and offices, in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, *the European Migration Liaison Officers and the field offices proposed under the Migration Partnership Framework* and the European Union Agency for Fundamental Rights, in matters covered by this Regulation in the framework of working arrangements concluded in accordance with Union law and policy *and international law*. Those working arrangements should receive the Commission's prior approval.

## Amendment 16

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

(23) The European Union Agency for Asylum should cooperate with

*Amendment*

(23) The European Union Agency for Asylum should cooperate with

international organisations, in particular the *United Nations High Commissioner for Refugees* (UNHCR) in matters covered by this Regulation in the framework of working arrangements so as to benefit from their expertise and support. To that end, the roles of UNHCR and the other relevant international organisations should be fully recognised and those organisations should be involved in the work of the Agency. The working arrangements should receive the Commission's prior approval.

international organisations, in particular the UNHCR, *the IOM and the Office of the High Commissioner on Human Rights (OHCHR)* in matters covered by this Regulation in the framework of working arrangements so as to benefit from their expertise and support. To that end, the roles of UNHCR and the other relevant *UN entities and* international organisations should be fully recognised and those organisations should be involved in the work of the Agency. The working arrangements should receive the Commission's prior approval.

## Amendment 17

### Proposal for a regulation Recital 24

#### *Text proposed by the Commission*

(24) The European Union Agency for Asylum should facilitate operational cooperation between Member States in matters covered by this Regulation. It should also cooperate with authorities of third-countries in the framework of working arrangements which should receive the Commission's prior approval. The Agency should act in accordance with the Union's external relations policy and under no circumstances should it formulate any independent external policy. In their cooperation with third countries, the Agency and the Member States should comply with norms and standards at least equivalent to those set by Union legislation also when the cooperation with third countries takes place on the territory of those countries.

#### *Amendment*

(24) The European Union Agency for Asylum should facilitate operational cooperation between Member States in matters covered by this Regulation. It should also cooperate with authorities of third-countries *on issues relating to asylum and resettlement* in the framework of working arrangements which should receive the Commission's prior approval *in consultation with the EEAS. The European Parliament should be kept informed in due time of these working arrangements before and after their conclusion.* The Agency should act in accordance with the Union's external relations policy and under no circumstances should it formulate any independent external policy. In their cooperation with third countries, the Agency and the Member States should comply with norms and standards at least equivalent to those set by Union legislation *and international law, including international humanitarian law,* also when the cooperation with third countries

takes place on the territory of those countries. ***The Commission and the Agency shall report to the European Parliament in a timely manner on the state of cooperation with any particular third country.***

## Amendment 18

### Proposal for a regulation Recital 26

#### *Text proposed by the Commission*

(26) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. All activities of the European Union Agency for Asylum shall be carried out in full respect of these fundamental rights and principles, including the right to asylum, the protection from refoulement, the right to respect for private and family life, the right to protection of personal data and the right to an effective remedy. The rights of the child and the special needs of vulnerable persons shall always being taken into account.

#### *Amendment*

(26) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ***and the 1951 Geneva Convention***. All activities of the European Union Agency for Asylum shall be carried out in full respect of these fundamental rights and principles, including the right to asylum, the protection from refoulement, the right to respect for private and family life, the right to protection of personal data and the right to an effective remedy. The rights of the child and the special needs of vulnerable persons, ***in particular women and LGBTI people*** shall always being taken into account.

## Amendment 19

### Proposal for a regulation Recital 27

#### *Text proposed by the Commission*

(27) The Commission and the Member States should be represented on the Management Board of the European Union Agency for Asylum in order to exercise a policy and political oversight over its workings. The Management Board should, where possible, consist of the operational heads of the Member States' asylum

#### *Amendment*

(27) The Commission, ***the European Parliament***, and the Member States should be represented on the Management Board of the European Union Agency for Asylum in order to exercise a policy and political oversight ***and scrutiny*** over its workings. The Management Board should ***include a representative of the UNHCR, the***

administrations or their representatives. It should be given the necessary powers, in particular to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision-making by the Agency, and appoint an Executive Director and Deputy Executive Director. The Agency should be governed and operated in line with the principles of the Common Approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

***European Agency for Fundamental Rights (FRA) and***, where possible, consist of the operational heads of the Member States' asylum administrations or their representatives. It should be given the necessary powers, in particular to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision-making by the Agency, and appoint an Executive Director and Deputy Executive Director. The Agency should be governed and operated in line with the principles of the Common Approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

## **Amendment 20**

### **Proposal for a regulation Recital 30**

*Text proposed by the Commission*

***(30) In order to guarantee the autonomy of the European Union Agency for Asylum, it should have its own budget, most of which comes essentially from a contribution from the Union. The financing of the Agency should be subject to an agreement by the budgetary authority as set out in point 31 of the Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management.<sup>12</sup> The Union budgetary procedure should be applicable to the Union's contribution and to any grant chargeable to the general budget of the European Union. The auditing of accounts should be undertaken by the Court of Auditors.***

*Amendment*

***deleted***

## Amendment 21

### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

1. The European Union Agency for Asylum (the Agency) shall ensure the efficient and uniform application of Union asylum law in Member States. It shall facilitate the implementation and improve the functioning of the Common European Asylum System (CEAS), and it shall be responsible for enabling convergence in the assessment of applications for international protection across the Union.

*Amendment*

1. The European Union Agency for Asylum (the Agency) shall ensure the efficient and uniform application of Union asylum law in Member States. It shall facilitate the implementation and improve the functioning of the Common European Asylum System (CEAS) ***in line with international law and standards***, and it shall be responsible for enabling convergence in the assessment of applications for international protection across the Union.

## Amendment 22

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

*Text proposed by the Commission*

(b) gather and analyse information on the situation of asylum and on the implementation of the CEAS;

*Amendment*

(b) gather and analyse information on the situation of asylum ***in the Union and in third countries*** and on the implementation of the CEAS;

## Amendment 23

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

*Text proposed by the Commission*

(c) support Member States in implementing the CEAS;

*Amendment*

(c) support Member States in implementing the CEAS ***and fulfilling their Union and international obligations in the field of asylum***;



## Amendment 24

### Proposal for a regulation

#### Article 2 – paragraph 1 – point l

*Text proposed by the Commission*

(l) monitor and assess the implementation of the CEAS *as well as* the asylum and reception systems of Member States;

*Amendment*

(l) *in accordance with the applicable Union law*, monitor and assess the implementation of the CEAS *in relation to* the asylum and reception systems of Member States, *which are to be supported at the request of any Member State*;

## Amendment 25

### Proposal for a regulation

#### Article 2 – paragraph 1 – point m a (new)

*Text proposed by the Commission*

*Amendment*

*(ma) cooperate with third countries to promote and assist with capacity building in their own asylum and reception systems in line with international standards and implement regional protection programmes.*

## Amendment 26

### Proposal for a regulation

#### Article 2 – paragraph 2

*Text proposed by the Commission*

2. The Agency shall support Member States in relation to the external dimension of the CEAS. In this regard, and in agreement with the Commission, the Agency shall coordinate the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS.

*Amendment*

2. The Agency shall support Member States *in their relations with third-country authorities in matters covered by this Regulation and* in relation to the external dimension of the CEAS. In this regard, and in agreement with the Commission, the Agency shall coordinate the exchange of information and other action taken on issues arising from the implementation of

instruments and mechanisms relating to the external dimension of the CEAS. ***For this purpose and in agreement with the Commission, the Agency shall have the possibility to post its representatives to Union Delegations.***

## Amendment 27

### Proposal for a regulation Article 3 – paragraph 2

#### *Text proposed by the Commission*

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).

#### *Amendment*

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR), ***while benefiting from the expertise of other UN-related bodies, such as the International Organisation for Migration (IOM).***

## Amendment 28

### Proposal for a regulation Article 4 – paragraph 1

#### *Text proposed by the Commission*

1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view to foster quick and reliable mutual

#### *Amendment*

1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union ***or on an individual Member State***, including up-to-date information on root causes, migratory and refugee flows as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view

information to the Member States and to identify possible risks to the Member States' asylum systems.

to foster quick and reliable mutual information to the Member States and to identify possible risks to the Member States' asylum systems.

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations.

##### *Amendment*

The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR, ***IOM***, and other ***expert national, and non-governmental*** organisations ***in the field of asylum***.

## **Amendment 30**

### **Proposal for a regulation**

#### **Article 4 – paragraph 3**

##### *Text proposed by the Commission*

3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board.

##### *Amendment*

3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board ***and the European Parliament***.

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

##### *Text proposed by the Commission*

2. The Agency shall create factual, legal and case law databases on the application and interpretation of Union,

##### *Amendment*

2. The Agency shall create factual, legal and case law databases on the application and interpretation of Union,

national and international asylum instruments making use, in particular, of existing arrangements. No personal data shall be stored in such databases, unless such data has been obtained by the Agency from documents that are publicly accessible.

national and international asylum instruments making use, in particular, of existing arrangements ***and in cooperation with relevant international organisations, non-governmental organisations, researchers and academics***. No personal data shall be stored in such databases, unless such data has been obtained by the Agency from documents that are publicly accessible.

## Amendment 32

### Proposal for a regulation Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. The Agency shall establish and develop training for members of its own staff, members of all national administrations, courts and tribunals, ***and*** national services responsible for asylum matters in the Member States.

#### *Amendment*

1. The Agency shall establish and develop training for members of its own staff, members of all national administrations, courts and tribunals, national services responsible for asylum matters in the Member States ***and, with the agreement of their administrative authorities, officials from third countries.***

## Amendment 33

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

#### *Text proposed by the Commission*

2. The Agency shall develop such training in close cooperation with Member States and, in cooperation with appropriate training entities in the Member States, including academic institutions and other relevant organisations.

#### *Amendment*

2. The Agency shall develop such training in close cooperation with Member States and, in cooperation with appropriate training entities in the Member States, including ***UNHCR***, academic institutions, ***national and international associations of judges*** and other relevant ***expert non-governmental*** organisations.

## Amendment 34

### Proposal for a regulation

#### Article 7 – paragraph 5 – point a

*Text proposed by the Commission*

(a) international and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal and case law issues;

*Amendment*

(a) international **human rights law** and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal and case law issues;

## Amendment 35

### Proposal for a regulation

#### Article 7 – paragraph 5 – point c

*Text proposed by the Commission*

(c) interview techniques, including special attention given to children, vulnerable groups and victims of torture;

*Amendment*

(c) interview techniques, including special attention given to **both accompanied and unaccompanied** children, vulnerable groups and victims of torture;

## Amendment 36

### Proposal for a regulation

#### Article 7 – paragraph 5 – point g

*Text proposed by the Commission*

(g) reception conditions, including special attention given to unaccompanied children and children with their families, vulnerable groups and victims of torture.

*Amendment*

(g) reception conditions, including special attention **and protection** given to unaccompanied children and children with their families, vulnerable groups and victims of torture **and victims of trafficking in human beings**.

## Amendment 37

### Proposal for a regulation

#### Article 7 – paragraph 7

*Text proposed by the Commission*

7. The Agency shall **take the necessary initiatives to ensure that** the experts who participate in the asylum support teams and the asylum intervention pool, **have received** specialist training relevant to their duties and functions prior to their participation in the operational activities organised by the Agency. The Agency shall conduct regular exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.

*Amendment*

7. The Agency shall **provide** the experts who participate in the asylum support teams and the asylum intervention pool, **with the** specialist training relevant to their duties and functions prior to their participation in the operational activities organised by the Agency. The Agency shall conduct regular exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.

**Amendment 38**

**Proposal for a regulation  
Article 7 – paragraph 8**

*Text proposed by the Commission*

8. The Agency may organise training activities in cooperation with Member States or third countries on their territory.

*Amendment*

8. The Agency may organise training activities **related to asylum and resettlement** in cooperation with Member States or third countries on their territory.

**Amendment 39**

**Proposal for a regulation  
Article 8 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall be **a** centre for gathering relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific **information and** targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic

*Amendment*

1. The Agency shall be **an independent** centre for gathering relevant, reliable, **transparent, traceable** accurate and up-to date information on countries of origin of persons applying for international protection, including child, **gender and sexual orientation**-specific **as well as** targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including

issues specific to countries of origin.

on thematic issues specific to countries of origin, ***including on torture and ill-treatment in places of detention and including the principles referred to in Article 21 TEU.***

#### **Amendment 40**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from governmental, non-governmental and international organisations, including through the networks referred to in Article 9, as well as Union institutions, agencies, bodies, offices and the European External Action Service;

*Amendment*

(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from governmental, non-governmental and international organisations, ***in particular UNHCR***, including through the networks referred to in Article 9, ***fact finding missions to countries of origin***, as well as Union institutions, agencies, bodies and offices and the European External Action Service ***and Union delegations***;

#### **Amendment 41**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) manage and further develop a portal for gathering information on countries of origin;

*Amendment*

(b) manage and further develop a ***fully transparent, publicly accessible*** portal for gathering ***and disseminating*** information on countries of origin ***including on use of sources, in accordance with Regulation (EC) No 1049/2001***;

#### **Amendment 42**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on countries of origin at the level of the Union.

*Amendment*

(c) develop a common format and a common methodology including terms of reference **and evaluation criteria**, in line with the requirements of **international and** Union law on asylum, for developing reports and other products with information on countries of origin at the level of the Union.

**Amendment 43**

**Proposal for a regulation**

**Article 9 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) submit queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law.

*Amendment*

(b) submit, **and assist in responding to**, queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law.

**Amendment 44**

**Proposal for a regulation**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council,<sup>22</sup> the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin.

*Amendment*

1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council,<sup>22</sup> the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin. ***In developing such common analysis, the Agency shall take into account the most recent and relevant UNHCR information, country/situation specific position papers and the most recent UNHCR Eligibility Guidelines for Assessing the International***



***Protection Needs of Asylum-Seekers from specific countries of origin.***

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<sup>22</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

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<sup>22</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

**Amendment 45**

**Proposal for a regulation  
Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The Executive Director shall, after consulting the **Commission**, submit that common analysis to the Management Board for endorsement. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

*Amendment*

2. The Executive Director shall, after consulting the **Consultative Forum**, submit that common analysis to the Management Board for endorsement. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

**Amendment 46**

**Proposal for a regulation  
Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those that have been suspended by the Commission and those that have been

*Amendment*

1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those **countries with which the Union has, or is in the process of concluding, a**

removed from that list.

*'compact' under the Partnership Framework, as well as countries* that have been suspended by the Commission and those that have been removed from that list.

#### Amendment 47

##### Proposal for a regulation Article 11 – paragraph 2

*Text proposed by the Commission*

2. The *Agency* shall, *at the request of the Commission*, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.

*Amendment*

2. The *Commission* shall *request the Agency to* provide it with information on specific third countries which could be considered for inclusion in, *suspension or deletion from* the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX. *The European Parliament shall be kept informed.*

#### Amendment 48

##### Proposal for a regulation Article 11 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

2a. *Information provided by the Agency under paragraphs 1 and 2 of this Article shall be compiled in accordance with the general principles provided for in Article 8 of this Regulation and shall take into account information received from the UNHCR, United Nations human rights treaty monitoring bodies and Special Procedures, Council of Europe human rights monitoring mechanisms, the International Committee of the Red Cross (ICRC), relevant non-governmental organisations and other relevant independent and reliable sources.*

## Amendment 49

### Proposal for a regulation

#### Article 11 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

The Commission may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.

##### *Amendment*

The Commission **or the European Parliament** may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.

## Amendment 50

### Proposal for a regulation

#### Article 12 – paragraph 2

##### *Text proposed by the Commission*

2. The Agency shall, on its own initiative or at the request of the Commission, and in consultation with the Commission, develop operational standards on the implementation of the instruments of Union law on asylum and indicators for monitoring compliance with those operational standards as well as guidelines and best practices related to the implementation of the instruments of Union law on asylum. The Agency shall, following consultation with the Commission and after adoption by the Management Board, communicate those standards, indicators, guidelines or best practices to the Member States.

##### *Amendment*

2. The Agency shall, on its own initiative or at the request of the Commission, and in consultation with the Commission, **UNHCR and other relevant international and non-governmental organisations**, develop **technical** operational standards on the implementation of the instruments of Union law on asylum and indicators for monitoring compliance with those operational standards as well as guidelines and best practices related to the implementation of the instruments of Union law on asylum. The Agency shall, following consultation with the Commission and after adoption by the Management Board, communicate those standards, indicators, guidelines or best practices to the Member States.

## Amendment 51

### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance.

*Amendment*

3. The Agency shall, at the request of Member States, assist them to apply the ***technical*** operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance.

**Amendment 52**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Agency, in close cooperation with the Commission, shall establish a mechanism to:

*Amendment*

1. ***In accordance with Union law***, the Agency, in close cooperation with the Commission ***and in consultation with the Consultative Forum*** shall establish a mechanism to:

**Amendment 53**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ***monitor the*** implementation and ***assess*** all aspects of the CEAS in Member States, in particular the Dublin system, reception conditions, asylum procedures, the application of criteria determining protection needs and the nature and quality of protection afforded to persons in need of international protection by Member States, including as regards the respect of fundamental rights, child protection safeguards and the needs of vulnerable persons;

*Amendment*

(a) ***support the monitoring of*** implementation and ***assessment of*** all aspects of the CEAS in Member States, in particular the Dublin system, reception conditions, asylum procedures, ***resettlement and relocation procedures***, the application of criteria determining protection needs and the nature and quality of protection afforded to persons in need of international protection by Member States, including as regards the respect of fundamental rights, child protection safeguards, ***family reunification*** and the needs of vulnerable persons;

## Amendment 54

### Proposal for a regulation

#### Article 13 – paragraph 1 – point b

*Text proposed by the Commission*

(b) **monitor** compliance by Member States with operational standards, indicators guidelines and best practices on asylum;

*Amendment*

(b) **support the monitoring of the** compliance by Member States with operational standards, indicators guidelines and best practices on asylum, **as well as international law in close cooperation with the UNHCR;**

## Amendment 55

### Proposal for a regulation

#### Article 13 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

The Agency may, in particular, base its assessment on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits **and case sampling**.

*Amendment*

The Agency may, in particular, base its assessment on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits, **case sampling and information provided by UNHCR and other relevant United Nations human rights treaty monitoring bodies and Special Procedures or Council of Europe human rights monitoring mechanisms and other relevant international and non-governmental organisations**.

## Amendment 56

### Proposal for a regulation

#### Article 13 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

For that purpose, Member States shall, at the request of the Agency, provide it with the necessary information as regards asylum procedures, equipment, infrastructure, reception conditions, recognition rates and quality of protection

*Amendment*

For that purpose, Member States shall, at the request of the Agency, provide it with the necessary information as regards asylum procedures, equipment, infrastructure, reception conditions, recognition rates and quality of protection

as well as staff and financial resources at national level to ensure an efficient management of the asylum and reception system. The Member States shall also cooperate with the Agency and shall facilitate any on-site visit that the Agency shall carry out for the purposes of the monitoring exercise.

as well as staff and financial resources at national level to ensure an efficient management of the asylum and reception system. The Member States shall also cooperate *closely* with the Agency and shall facilitate any on-site visit that the Agency shall carry out for the purposes of the monitoring exercise.

## **Amendment 57**

### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – subparagraph 5**

##### *Text proposed by the Commission*

The Agency may initiate a monitoring exercise for the assessment of the asylum or reception systems of a Member State *on its own initiative or* at the request of the Commission whenever there are serious concerns regarding the functioning of any aspect of that Member State's asylum or reception systems.

##### *Amendment*

The Agency may initiate a monitoring exercise for the assessment of the asylum or reception systems of a Member State at the request of the Commission whenever there are serious concerns regarding the functioning of any aspect of that Member State's asylum or reception systems.

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 16 – paragraph 3 – introductory part**

##### *Text proposed by the Commission*

3. The Agency shall organise and coordinate, *for a limited period of time*, one or more of following operational and technical measures:

##### *Amendment*

3. The Agency shall organise and coordinate one or more of following operational and technical measures:

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 16 – paragraph 3 – point g**

##### *Text proposed by the Commission*

(g) assist with the relocation or transfer

##### *Amendment*

(g) assist with the relocation or transfer

of beneficiaries of international protection within the Union;

of *applicants for and* beneficiaries of international protection within the Union, *taking into account fair objective criteria, such as family reunification and cultural ties*;

## Amendment 60

### Proposal for a regulation Article 16 – paragraph 3 – point i

*Text proposed by the Commission*

(i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place;

*Amendment*

(i) assist Member States in ensuring that all the necessary *fundamental rights safeguards, including* child rights and child protection safeguards are in place;

## Amendment 61

### Proposal for a regulation Article 17 – paragraph 7

*Text proposed by the Commission*

7. Member States shall ensure that the experts that they contribute match the profiles and numbers *decided upon* by the *Management Board*. The duration of deployment shall be determined by the home Member State but it shall not be less than **30** days.

*Amendment*

7. Member States shall ensure that the experts that they contribute match the profiles and numbers *requested* by the *Member State in need*. The duration of deployment shall be determined by the home Member State but it shall not be less than **60** days.

## Amendment 62

### Proposal for a regulation Article 18 – paragraph 2

*Text proposed by the Commission*

2. The Management Board shall, on a proposal of the Executive Director, decide *by a three-fourths majority of members with a right to vote* on the profiles of experts and on the share that each Member State shall contribute to constitute the

*Amendment*

2. The Management Board shall, on a proposal of the Executive Director, decide on the profiles of experts and on the share that each Member State shall contribute to constitute the asylum intervention pool. The same procedure shall apply to any

asylum intervention pool. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.

subsequent changes in the profiles and the overall number of experts. ***The Executive Director shall ensure that the composition of the asylum support teams or the experts to be deployed from the asylum intervention pool is in accordance with the request, depending on the needs on the ground, of the host Member State.***

## **Amendment 63**

### **Proposal for a regulation Article 18 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall contribute to the asylum intervention pool through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles. The duration of deployment shall be determined by the home Member State but it shall not be less than **30** days.

*Amendment*

3. Member States shall contribute to the asylum intervention pool through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles. The duration of deployment shall be determined by the home Member State, ***in accordance with the need for longer term nomination in order to ensure adequate presence on the ground,*** but it shall not be less than **60** days.

## **Amendment 64**

### **Proposal for a regulation Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. The Member States shall fully comply with their obligations as regards staffing and supporting the Agency. Such compliance shall be monitored by the Commission and, in cases of non-compliance, corrective measures shall be taken immediately.***

## **Amendment 65**

### **Proposal for a regulation**



## Article 22 – paragraph 1

### *Text proposed by the Commission*

1. Where the asylum and reception systems of a Member State are subject to disproportionate pressure that places exceptionally heavy and urgent demands on those systems, the Agency shall, at the request of the Member State concerned ***or on its own initiative, organise and coordinate*** a comprehensive set of operational and technical measures as referred to in Article 16 and deploy experts from the asylum intervention pool referred to in Article 18 and experts from its own staff to reinforce the asylum and reception systems within a short period of time.

### *Amendment*

1. Where the asylum and reception systems of a Member State are subject to disproportionate pressure that places exceptionally heavy and urgent demands on those systems, the Agency shall, at the request of the Member State concerned, ***organise and coordinate together with the host Member State concerned***, a comprehensive set of operational and technical measures as referred to in Article 16 and deploy experts from the asylum intervention pool referred to in Article 18 and experts from its own staff to reinforce the asylum and reception systems within a short period of time.

## Amendment 66

### Proposal for a regulation Article 29 – paragraph 1

#### *Text proposed by the Commission*

1. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union agencies.

#### *Amendment*

1. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union agencies, ***including Europol for facilitating the exchange of fingerprints.***

## Amendment 67

### Proposal for a regulation Article 35 – paragraph 1

#### *Text proposed by the Commission*

1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and

#### *Amendment*

1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and

third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards equivalent to those set by Union legislation, including when carrying out activities on the territory of those third countries.

third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards equivalent to those set by Union legislation, including *the Charter of Fundamental Rights of the European Union and international law, including* when carrying out activities on the territory of those third countries.

## Amendment 68

### Proposal for a regulation Article 35 – paragraph 3

#### *Text proposed by the Commission*

3. The Agency may, with the agreement of the host Member State, invite officials from third countries to observe the operational and technical measures outlined in Article 16(3), *where their presence does not jeopardise the achievement of objectives of those measures, and* where *it* may contribute to improving cooperation and the exchange of best practices.

#### *Amendment*

3. The Agency may, with the agreement of the host Member State, invite officials from third countries to observe the operational and technical measures outlined in Article 16(3), *particularly* where *this* may contribute to improving cooperation and the exchange of best practices.

## Amendment 69

### Proposal for a regulation Article 35 – paragraph 4

#### *Text proposed by the Commission*

4. The Agency shall coordinate actions on resettlement taken by Member States or by the Union, including the exchange of information, so as to meet the international protection needs of refugees in third countries and show solidarity with their host countries. The Agency shall

#### *Amendment*

4. The Agency shall coordinate actions on resettlement taken by Member States or by the Union, including the exchange of information, *in full compliance with the standards and guidance set by UNHCR*, so as to meet the international protection needs of refugees

gather information, monitor resettlement to Member States and support Member States with capacity building on resettlement. The Agency may also, subject to the agreement of the third country and in agreement with the Commission, coordinate any such exchange of information or other action between Member States and a third country, in the territory of that third country.

in third countries and show solidarity with their host countries. The Agency shall gather information, monitor resettlement to Member States and support Member States with capacity building on resettlement. The Agency may also, subject to the agreement of the third country and in agreement with the Commission, coordinate any such exchange of information or other action between Member States and a third country, in the territory of that third country.

## Amendment 70

### Proposal for a regulation Article 35 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The confidentiality of information relating to individual resettlement cases shall be guaranteed at all times. Any exchange of information shall be carried out in full compliance with the relevant rules established in the UNHCR Resettlement Handbook, without jeopardising the eligibility and selection of refugees for resettlement. Any Agency activity in the field of resettlement shall be carried out in close cooperation with UNHCR and expert non-governmental organisations and shall include, as relevant and necessary, support for resettled refugees on the territory of Member States post-arrival.***

#### *Justification*

*Compliance with and primacy of UNHCR guidelines on resettlement with regard to any action coordinated or initiated by the new Agency in the areas of resettlement should be explicitly ensured in the Regulation establishing the EU Asylum Agency in order to ensure full consistency of the Agency's actions with the priorities and guidelines set by UNHCR at global level.*

## Amendment 71

### Proposal for a regulation

#### Article 35 – paragraph 5

*Text proposed by the Commission*

5. The Agency shall participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation.

*Amendment*

5. The Agency shall participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and ***in so doing shall take into account international law, including international humanitarian law, principles of human rights, democracy and the rule of law, and*** regarding matters covered by this Regulation.

## Amendment 72

### Proposal for a regulation

#### Article 35 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. The Agency may deploy experts from its own staff to third countries where a more permanent presence of the Agency would help fulfil its tasks, in particular as regards resettlement. The management board shall, on a proposal of the executive director, adopt the list of those countries on a yearly basis. The deployment of these representatives shall be approved by the management board and be subject to the prior opinion of the Commission. Those experts shall coordinate closely with the Immigration Liaison Officers. The European Parliament shall be kept fully informed of those activities without delay.***

## Amendment 73

### Proposal for a regulation

#### Article 37 – title

*Text proposed by the Commission*

Cooperation with *the UNHCR and other* international organisations

*Amendment*

Cooperation with *UN entities and* international organisations

**Amendment 74**

**Proposal for a regulation  
Article 37**

*Text proposed by the Commission*

The Agency shall cooperate with international organisations, in particular UNHCR, in areas governed by this Regulation, within the framework of working arrangements concluded with those bodies, in accordance with the Treaty and the provisions on the competence of those bodies. The Management Board shall decide on the working arrangements which shall be subject to prior approval of the Commission.

*Amendment*

The Agency shall cooperate with *UN entities and* international organisations, in particular *the UNHCR, the OHCHR and the IOM*, in areas governed by this Regulation, within the framework of working arrangements concluded with those bodies, in accordance with the Treaty and the provisions on the competence of those bodies. The Management Board shall decide on the working arrangements which shall be subject to prior approval of the Commission. *The Agency shall inform the European Parliament of any such working arrangements.*

**Amendment 75**

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

*Text proposed by the Commission*

2. The Management Board shall include one representative of UNHCR, without the right to vote.

*Amendment*

2. The Management Board shall include one representative of UNHCR *and one representative of the European Agency for Fundamental Rights (FRA)* without the right to vote.

**Amendment 76**

**Proposal for a regulation  
Article 54 a (new)**

**Article 54 a**

**Protection of Fundamental Rights and Complaint Mechanism**

1. *The Agency shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter of Fundamental Rights of the European Union, relevant international law, including the 1951 Convention, the 1967 Protocol, the legal norms adopted in the context of the CEAS and obligations related to access to and content of international protection.*

2. *For that purpose, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy including an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency and a complaint mechanism.*

**Amendment 77**

**Proposal for a regulation  
Article 60 – paragraph 1**

*Text proposed by the Commission*

1. The Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443<sup>35</sup> and 2015/444.<sup>36</sup> Those rules shall apply, in particular, to the exchange, processing and storage of classified information.

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<sup>35</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p.

*Amendment*

1. The Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443<sup>35</sup> and 2015/444<sup>36</sup> **as well as governing rules on personal data protection**. Those rules shall apply, in particular, to the exchange, processing and storage of classified information.

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<sup>35</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p.

41).

<sup>36</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

41).

<sup>36</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).





## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	European Union Agency for Asylum
<b>References</b>	COM(2016)0271 – C8-0174/2016 – 2016/0131(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 7.7.2016
<b>Opinion by</b> Date announced in plenary	AFET 7.7.2016
<b>Rapporteur</b> Date appointed	Ramona Nicole Mănescu 12.7.2016
<b>Date adopted</b>	29.11.2016
<b>Result of final vote</b>	+: 43 –: 7 0: 1
<b>Members present for the final vote</b>	Lars Adaktusson, Nikos Androulakis, Goffredo Maria Bettini, Elmar Brok, James Carver, Fabio Massimo Castaldo, Georgios Eпитideios, Knut Fleckenstein, Eugen Freund, Sandra Kalniete, Manolis Kefalogiannis, Afzal Khan, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Ryszard Antoni Legutko, Arne Lietz, Barbara Lochbihler, Andrejs Mamikins, Ramona Nicole Mănescu, Pier Antonio Panzeri, Vincent Peillon, Alojz Peterle, Tonino Picula, Cristian Dan Preda, Sofia Sakorafa, Jacek Saryusz-Wolski, Alyn Smith, Jaromír Štětina, Charles Tannock, László Tőkés, Ivo Vajgl, Elena Valenciano, Hilde Vautmans
<b>Substitutes present for the final vote</b>	Laima Liucija Andrikiienė, Brando Benifei, Luis de Grandes Pascual, Mariya Gabriel, Ana Gomes, Takis Hadjigeorgiou, Marek Jurek, Urmas Paet, Soraya Post, Igor Šoltes, Renate Sommer, Eleni Theocharous, Bodil Valero, Marie-Christine Vergiat, Janusz Zemke, Željana Zovko
<b>Substitutes under Rule 200(2) present for the final vote</b>	Michel Reimon