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*Plenary sitting*

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**A8-0392/2016**

21.12.2016

**\*\*\*I**  
**REPORT**

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)0271 – C8-0174/2016 – 2016/0131(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Péter Niedermüller

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (COM(2016)0271 – C8-0174/2016 – 2016/0131(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0271),
  - having regard to Article 294(2) and Article 78(1) and (2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0174/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0392/2016),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

### **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

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

international protection takes. Those disparities should be addressed by ensuring greater convergence in the assessment of applications for international protection **thereby working towards a** uniform level of application of Union law across the Union **based on high standards**.

## Amendment 2

### Proposal for a regulation

#### Recital 3

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

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

Amendment 3

### Proposal for a regulation

#### Recital 4

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

(4) The European Asylum Support Office was established by Regulation (EU) No 439/2010 of the European Parliament and of the Council<sup>7</sup> and it took up its responsibilities on 1 February 2011. The European Asylum Support Office has

##### *Amendment*

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane, **fair** and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

##### *Amendment*

(4) The European Asylum Support Office was established by Regulation (EU) No 439/2010 of the European Parliament and of the Council<sup>7</sup> and it took up its responsibilities on 1 February 2011. The European Asylum Support Office has

enhanced practical cooperation among Member States on asylum-related matters and in assisting Member States in implementing their obligations under the CEAS. The European Asylum Support Office also provides support to Member States whose asylum and reception systems are under particular pressure. However, its role and function need to be further strengthened so as to not only support Member States in their practical cooperation but to reinforce and complement the asylum and reception systems of Member States.

enhanced practical cooperation among Member States on asylum-related matters and in assisting Member States in implementing their obligations under the CEAS. The European Asylum Support Office also provides support to Member States whose asylum and reception systems are under particular pressure. However, its role and function need to be further strengthened so as to not only support Member States in their practical cooperation but to reinforce and complement the asylum and reception systems of Member States ***based on high standards and in compliance with the Charter on Fundamental Rights of the European Union (the Charter)***.

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<sup>7</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132, 29.5.2010, p. 11).

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<sup>7</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office (OJ L 132, 29.5.2010, p. 11).

Amendment 4

## **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

#### *Amendment*

(5) Having regard to structural weaknesses of the CEAS brought to the fore by large-scale 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

### 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 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.

#### Amendment 6

### Proposal for a regulation

#### Recital 6 a (new)

*Text proposed by the Commission*

applications for international protection across the Union, and for monitoring the operational and technical application of Union law.

*Amendment*

(6) The tasks of the European Asylum Support Office should be expanded, and to reflect those changes, it should be renamed European Union Agency for Asylum. ***It should, however, remain the same legal person, with full continuity in all its activities and procedures.*** 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 ***international and Union asylum*** law and operational standards ***thereby working towards*** a high degree of uniformity ***based on high standards*** 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 ***resettlement and*** 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.

*Amendment*

***(6a) In order to guarantee that it is independent and can carry out its duties***



*properly, the European Union Agency for Asylum should be provided with sufficient financial resources and staff, including, specifically, the Agency's own staff to set up teams of experts responsible for evaluating and monitoring procedures for asylum and reception systems.*

*Justification*

*There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.*

**Amendment 7**

**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

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) Having regard to the reform of the Dublin system, the European Union Agency for Asylum should provide the necessary support to the Member States, in particular by operating and managing the

*Amendment*

(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 *migratory and refugee flows* towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.

*Amendment*

(9) Having regard to the reform of the Dublin system, the European Union Agency for Asylum should provide the necessary support to the Member States, in particular by operating and managing the corrective mechanism *and any other tasks*

corrective mechanism.

*assigned to it within the framework of Regulation (EU) xxx/xxx (Dublin Regulation).*

Amendment 9

**Proposal for a regulation**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

*(9a) As regards resettlement, in particular, in anticipation of the future Union Resettlement Framework Regulation, the European Union Agency for Asylum should be able to provide the necessary support to Member States. To that end, the Agency should develop and offer expertise in resettlement in order to support actions on resettlement taken by Member States or by the Union, including the exchange of information, in close cooperation with the United Nations High Commissioner for Refugees (UNHCR) and relevant non-governmental organisations and in full compliance with the standards and policy guidance set by the UNHCR.*

Amendment 10

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) The European Union Agency for Asylum should assist Member States with training of experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including the development of a common core curriculum. In addition, the Agency should ensure that all experts participating in asylum support teams or forming part of the asylum intervention pool receive specialist training before their participation in operational activities

(10) The European Union Agency for Asylum should **organise training or** assist Member States with training of experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including the development of a common core curriculum. In addition, the Agency should ensure that all experts participating in asylum support teams or forming part of the asylum intervention pool receive specialist training before their participation

organised by the Agency.

in operational activities organised by the Agency.

## Amendment 11

### 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 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.

##### *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 networks ***among Member States*** on country of origin information and so as to avoid duplication and create synergies with national reports. ***Such information should refer, inter alia, to the political, cultural and religious situation in the country, as well as conditions of detention, in particular torture and ill-treatment in places of detention.*** 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. ***Such common analysis should be developed in consultation with the Commission, the United Nations High Commissioner for Refugees (UNHCR) and the Consultative Forum, and it should take into account the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from specific countries of origin. Where there is a conflict between the common analysis and UNHCR Eligibility Guidelines, 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 12

**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 13

**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

*Amendment*

(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 provide it with information on specific third countries which could be included in, *suspended from or removed from* 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 [...]

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

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 with those standards. The Agency should also develop guidelines on asylum-related matters and should enable the exchange of best practices among Member States *in collaboration with the European Union Agency for Fundamental Rights and the UNHCR and following consultation of its Consultative Forum.*

Amendment 14

### **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

#### *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 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 and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director

recommendations.

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 15

### **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. 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 ***with a view to ensuring, inter alia, the respect of the rights enshrined in the Charter.*** 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, ***by means of an implementing act.***

### **Amendment 16**

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) The Agency should be able to deploy liaison officers to the Member States, with the task of assisting in the implementation of the CEAS, in particular with cases of family reunification and in relation to unaccompanied children and vulnerable persons.***

Amendment 17

**Proposal for a regulation**  
**Recital 15 b (new)**

*Text proposed by the Commission*

*Amendment*

***(15b) To ensure that solidarity remains the cornerstone of the CEAS, where a Member State systematically fails to comply with the measures set out in the implementing act within the time-limit set therein, thereby putting at serious risk the functioning of the CEAS, it should be possible for the Commission, as a last resort, to trigger the procedure provided for in Article 29 of Regulation (EU) 2016/399. Such systematic non-compliance by a Member State might also result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under Union funds in line with existing and future legislative acts of the Union.***

Amendment 18

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

(16) To facilitate and improve the proper functioning of the CEAS and to assist

(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.

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 ***including on admissibility of asylum applications***, and by assisting with relocation. ***Any decision on applications for international protection should remain, nevertheless, the exclusive competence of the national authorities***. The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.

## **Amendment 19**

### **Proposal for a regulation Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16 a) Experts deployed in asylum support teams must have successfully concluded the thematic and specialist training relevant to their duties and functions prior to their participation in***



*operational activities. Experts from the Agency's own staff should be involved in the examination of applications for international protection only where they can demonstrate relevant experience of at least one year as a caseworker in the asylum administration of a Member State or as a UNHCR protection officer. Any activity undertaken by members of the asylum support teams should fully comply with the Charter, in particular Article 18 on the right to asylum.*

## Amendment 20

### Proposal for a regulation Recital 16 b (new)

*Text proposed by the Commission*

*Amendment*

*(16 b) In hotspot areas, the different agencies and Member States should operate within their respective mandates and powers. The Commission, in cooperation with the other relevant agencies, should ensure the compliance of activities in hotspot areas with the relevant Union acquis, including the CEAS and fundamental rights.*

Amendment 21

### Proposal for a regulation Recital 17

*Text proposed by the Commission*

*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

(17) In cases where a Member State's asylum and reception systems are subject to exceptionally heavy and urgent demands, 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

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 *States* is responsible may be an indication of disproportionate pressure.

Amendment 22

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

#### Amendment 23

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 *existence of a very high influx of asylum applicants*, 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 *very high* number of applications for international protection for which a Member *State* is responsible may be an indication of disproportionate pressure.

#### *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 or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and *perform its tasks and obligations with regard to the relocation or transfer of applicants for and* of beneficiaries of international protection *within the Union*, while ensuring that asylum and reception systems are *correctly developed and implemented including within the framework of Regulation (EU) xxx/xxx (Dublin Regulation)*.

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) ***At particular areas of the external borders where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the*** Member States should be able to rely on increased operational and technical reinforcement by migration management support teams composed of teams of experts from Member States deployed through the European Union Agency for Asylum, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and Europol or other relevant Union agencies, as well as experts from the staff of the European Union Agency for Asylum and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. The Agency should ensure coordination of its activities in the migration management support teams with the Commission and the other relevant Union agencies.

**Amendment 24**

**Proposal for a regulation**  
**Recital 20 a (new)**

*Text proposed by the Commission*

Amendment 25

**Proposal for a regulation**  
**Recital 23**

*Amendment*

(20) Member States should be able to rely on increased operational and technical reinforcement by migration management support teams composed of teams of experts from Member States deployed through the European Union Agency for Asylum, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and Europol or other relevant Union agencies, as well as experts from the staff of the European Union Agency for Asylum and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. The Agency should ensure coordination of its activities in the migration management support teams with the Commission and the other relevant Union agencies. ***Any activity undertaken by members of the migration management support teams should fully comply with the Charter, in particular Article 18 on the right to asylum.***

*Amendment*

***(20 a) The Agency should report on its activities to the European Parliament and to the Council to the fullest extent possible.***

*Text proposed by the Commission*

(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.

Amendment 26

**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 27

*Amendment*

(23) The European Union Agency for Asylum should cooperate with international ***and non-governmental*** organisations, in particular the 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 ***and non-governmental*** 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*

(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. 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.

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) The European Union Agency for Asylum should maintain a close dialogue with civil society with a view to exchanging information and pooling knowledge in the field of asylum. The Agency should set up a Consultative Forum which should constitute a mechanism for the exchange of information and the sharing of knowledge. The Consultative Forum should *assist* the Executive Director and the Management Board in matters covered by this Regulation.

Amendment 28

**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 be taken into account.

*Amendment*

(25) The European Union Agency for Asylum should maintain a close dialogue with civil society with a view to exchanging information and pooling knowledge in the field of asylum. The Agency should set up a Consultative Forum which should constitute a mechanism for the *consultation*, the exchange of information and the sharing of knowledge. The Consultative Forum should *advise* the Executive Director and the Management Board in matters covered by this Regulation.

*Amendment*

(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 family reunification*, the right to protection of personal data, *the right to access to justice* and the right to an effective remedy *in accordance with Union and international law*. The rights of the child and the special needs of vulnerable persons *should* always be taken into account *in accordance with Union and international law. For this reason, the Agency should fulfil its prerogatives respecting the best interests of the child,*

*in compliance with the UN Convention on the Rights of the Child, taking due account of the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.*

Amendment 29

**Proposal for a regulation**  
**Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

*(26a) Vulnerable persons under this Regulation should be taken to mean, inter alia, minors (including unaccompanied minors), disabled people, elderly people, pregnant women, single parents with children, victims of human trafficking, torture, rape or other serious forms of psychological, physical or sexual violence, (such as victims of female genital mutilation), persons with post-traumatic stress disorder, (in particular survivors of shipwrecks), persons with serious illnesses and persons with mental disorders. It is also possible to take risks arising as a result of gender, sexual orientation or gender identity into account in assessing vulnerability.*

>Amendment 30

**Proposal for a regulation**  
**Recital 26 b (new)**

*Text proposed by the Commission*

*Amendment*

*(26b) An independent Fundamental Rights Officer should be appointed to promote the respect for fundamental rights within the Agency, including by drawing up the Agency's Fundamental Rights Strategy and by handling complaints received by the Agency under*

*the complaints mechanism.*

>Amendment 31

**Proposal for a regulation**  
**Recital 26 c (new)**

*Text proposed by the Commission*

*Amendment*

**(26c) *The operating procedures and methods established by the European Union Agency for Asylum should facilitate, where relevant, the involvement of Member States, Union agencies and external experts, in particular from the UNHCR and non-governmental organisations, in the development of, inter alia, training materials, country of origin reports, guidelines, operational standards and best practices as referred to in Articles 7, 8, 9, 10, 11 and 12.***

Amendment 32

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

(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 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

(27) The Commission, the Member States **and the European Parliament** 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 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. The Agency should be governed and operated in line with the principles of the Common Approach on Union decentralised agencies

Common Approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

Amendment 33

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

(35) Any processing of personal data by the European Union Agency for Asylum within the framework of this Regulation should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council, and should respect the principles of necessity and proportionality.<sup>16</sup> The Agency may process personal data to perform its tasks of providing operational and technical assistance to Member States, to facilitate the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust, *to analysing information on the situation of asylum and* for administrative purposes. Any further processing of retained personal data for purposes other than those set out in this Regulation should be prohibited.

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<sup>16</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

**Amendment 34**

**Proposal for a regulation**  
**Recital 36**

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adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

*Amendment*

(35) Any processing of personal data by the European Union Agency for Asylum within the framework of this Regulation should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council, and should respect the principles of necessity and proportionality.<sup>16</sup> The Agency may process personal data to perform its tasks of providing operational and technical assistance to Member States, to facilitate the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust for administrative purposes. Any further processing of retained personal data for purposes other than those set out in this Regulation should be prohibited.

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<sup>16</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

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*Text proposed by the Commission*

(36) Regulation (EU) *No XXX/2016* of the European Parliament and of the Council <sup>17</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies to the processing of personal data by the Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying competent authorities of the Member States for the purposes of the prevention, investigation, detection or prosecution of terrorist offences or of other serious criminal offences including the safeguarding against and the prevention of threats to public security.

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<sup>17</sup> Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

*Amendment*

(36) Regulation (EU) *No 2016/679* of the European Parliament and of the Council <sup>17</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies to the processing of personal data by the Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying competent authorities of the Member States for the purposes of the prevention, investigation, detection or prosecution of terrorist offences or of other serious criminal offences including the safeguarding against and the prevention of threats to public security.

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<sup>17</sup> Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

**Amendment 35**

**Proposal for a regulation**

**Recital 37**

*Text proposed by the Commission*

(37) Directive *2016/XXX/EU* of the European Parliament and of the Council <sup>18</sup> on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data applies to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation

*Amendment*

(37) Directive *2016/680/EU* of the European Parliament and of the Council <sup>18</sup> on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data applies to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation

detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation.

detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation.

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<sup>18</sup> Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89.

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<sup>18</sup> Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89.

Amendment 36

### **Proposal for a regulation** **Recital 39**

#### *Text proposed by the Commission*

(39) The Agency should process personal data only for the purposes of performing its tasks of providing operational and technical assistance, when carrying out case sampling for the purposes of the monitoring exercise, possibly handling applications for international protection ***from children or vulnerable persons***, facilitating the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust and in the framework of information obtained when performing its tasks in the migration management support teams at hotspots, ***and for analysing information on the situation of asylum***. Any processing of personal data should respect the principle of proportionality and be strictly limited to personal data necessary for these purposes.

#### *Amendment*

(39) The Agency should process personal data only for the purposes of performing its tasks of providing operational and technical assistance, when carrying out case sampling for the purposes of the monitoring exercise, possibly handling applications for international protection, facilitating the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust and in the framework of information obtained when performing its tasks in the migration management support teams at hotspots. Any processing of personal data should respect the principle of proportionality and be strictly limited to personal data necessary for these purposes.

## Amendment 37

### Proposal for a regulation Recital 40

#### *Text proposed by the Commission*

(40) Any personal data that the Agency processes, except those processed for administrative purposes, should be deleted after **30** days. A longer storage period is not necessary for the purposes for which the Agency processes personal data within the framework of this Regulation;

Amendment 38

### Proposal for a regulation Recital 42

#### *Text proposed by the Commission*

(42) Since the objectives of this Regulation, namely the need to facilitate the implementation and improve the functioning of the CEAS, to strengthen practical cooperation and information exchange among Member States on asylum-related matters, to 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, to monitor the operational and technical application of Union law and standards as regards asylum and to provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular to Member States subject to disproportionate pressure on their asylum and reception systems, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with

#### *Amendment*

(40) Any personal data that the Agency processes, except those processed for administrative purposes, should be deleted after **45** days. A longer storage period is not necessary for the purposes for which the Agency processes personal data within the framework of this Regulation;

#### *Amendment*

(42) Since the objectives of this Regulation, namely the need to facilitate the implementation and improve the functioning of the CEAS, to strengthen practical cooperation and information exchange among Member States on asylum-related matters, to promote Union law and operational standards to ensure a high degree of uniformity **and fairness** as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, to monitor the operational and technical application of Union law and standards as regards asylum and to provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular to Member States subject to disproportionate pressure on their asylum and reception systems, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at the level of the Union, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with

the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Amendment 39

### **Proposal for a regulation** **Recital 46**

*Text proposed by the Commission*

(46) The competence to take decisions by Member States' asylum authorities on individual applications for international protection remains with Member States.

Amendment 40

### **Proposal for a regulation** **Article 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.

2. The Agency shall be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it

the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

*Amendment*

(46) The competence to take decisions by Member States' asylum authorities on individual applications for international protection remains with Member States. ***This does not preclude, however, the joint processing of applications for individual protection by a Member State and the Agency at the request of the Agency and within the framework set out in an operational plan agreed between the host Member State and the Agency.***

*Amendment*

1. The European Union Agency for Asylum (the Agency) shall **contribute to ensuring** 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, ***in full compliance with fundamental rights, with a view to guaranteeing high standards across the Union.***

2. The Agency shall be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it

disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate.

3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.

Amendment 41

### **Proposal for a regulation** **Article 1 a (new)**

*Text proposed by the Commission*

***collects and*** disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate.

3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.

*Amendment*

#### ***Article 1a***

#### ***Definitions***

***For the purposes of this Regulation, the following definitions apply:***

***1. 'migration management support team' means a team of experts which provide technical and operational reinforcement to Member States at hotspot areas and which is composed of experts deployed from Member States by the European Border and Coast Guard Agency and by the European Union Agency for Asylum, and from the European Border and Coast Guard Agency, the European Union Agency for Asylum, Europol or other relevant Union agencies;***

***2. 'hotspot area' means a hotspot area as defined in point (10) of Article 2 of Regulation (EU) No 2016/1624;***

***3. 'host Member State' means a Member State which receives operational and technical assistance by the Agency, in particular a Member State in which an asylum support team or experts from the***

*asylum intervention pool and experts from the Agency's staff, or a migration management support team is deployed;*

4. *'home Member State' means a Member State which makes an expert available or contributes to the asylum support teams, asylum intervention pool or migration management support teams;*

5. *'participating Member State' means a Member State which participates in operational and technical assistance provided by the Agency, as defined in the relevant operational plan, through the provision of experts or of technical equipment;*

6. *'joint processing' means support in the procedure for examining individual applications for international protection, which does not include the decision-making process of Member States' asylum authorities on such individual applications.*

Amendment 42

## **Proposal for a regulation Article 2**

### *Text proposed by the Commission*

1. The Agency shall **perform** the following tasks:
- (a) facilitate, coordinate and strengthen practical cooperation and information exchange among Member States on various aspects of asylum;
  - (b) gather and analyse information on the situation of asylum and on the implementation of the CEAS;
  - (c) support Member States in

### *Amendment*

1. The Agency shall **support, facilitate, coordinate and strengthen practical cooperation, information exchange and the implementation of the CEAS, including fundamental rights compliance, by performing** the following tasks:
- (b) gather and analyse information, **including qualitative and quantitative data**, on the situation of asylum and on the implementation of the CEAS;
  - (c) support Member States in

implementing the CEAS;

(d) assist Member States on training *of* experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including the development of a common core curriculum;

(e) draw up and regularly update reports and other documents providing for information on countries of origin at the level of the Union;

(f) coordinate efforts among Member States to engage in and develop a common analysis of the situation in third countries of origin;

(g) provide effective operational and technical assistance to Member States, in particular when they are subject to disproportionate pressure on their asylum and reception systems;

(h) assist *with* the relocation or transfer of beneficiaries *of* international protection within the Union;

(i) set up and deploy asylum support teams and an asylum intervention pool;

(j) deploy the necessary technical equipment for the asylum support teams and the experts from the asylum intervention pool;

(k) establish operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum;

implementing the CEAS;

(d) assist Member States on training *or provide training to Member States'* experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including *through the establishment and* development of a common core curriculum;

(e) draw up and regularly update reports and other documents providing for information on countries of origin at the level of the Union;

(f) coordinate efforts among Member States to engage in and develop a common analysis of the situation in third countries of origin;

(g) provide effective operational and technical assistance to Member States, *with a view to guaranteeing high standards and respect of fundamental rights*, in particular when they are subject to disproportionate pressure on their asylum and reception systems;

(h) assist, *carry out or coordinate* the relocation or transfer of beneficiaries *and applicants for* international protection within the Union;

(i) set up and deploy asylum support teams and an asylum intervention pool;

*(i a) perform its tasks and obligations as set out in Regulation (EU) xxx/xxx [Dublin Regulation];*

(j) *acquire and* deploy the necessary technical equipment for the asylum support teams and deploy the experts from the asylum intervention pool;

(k) establish operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum;

*(k a) deploy liaison officers in Member States and, where appropriate, third countries;*

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

(m) support Member States in their cooperation with third countries in matters related to asylum, in particular as regards resettlement.

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.

3. The Agency *may* engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant

(l) monitor, assess ***and issue recommendations in respect of*** the implementation of the CEAS as well as the asylum and reception systems and reception capacity of Member States;

(m) support Member States in their cooperation with third countries in matters related to asylum, in particular as regards resettlement;

***(m a) assist Member States with regard to humanitarian visas;***

***(m b) perform its tasks and obligations as set out in Regulation (EU) xxx/xxx [Union Resettlement Framework]***

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 CEAS, ***in particular issues concerning access to asylum and resettlement and the promotion of high standards of reception.***

***2a. In order to perform the tasks referred to in paragraphs 1 and 2, the Agency shall work in close cooperation with the UNHCR, relevant intergovernmental organisations, such as the Council of Europe and the International Organisation for Migration, and relevant non-governmental organisations, researchers and academics, and shall take into account information made available by them, as appropriate, including within the framework of the Consultative Forum referred to in Article 48.***

3. The Agency ***shall*** engage in communication activities on its own initiative in the fields within its mandate. ***It shall provide the public with accurate and comprehensive information about its activities.*** Communication activities shall not be detrimental to the tasks referred to



communication and dissemination plans adopted by the Management Board.

in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.

## Amendment 43

### Proposal for a regulation Article 3

#### *Text proposed by the Commission*

1. The Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall be subject to a duty to cooperate in good faith and an obligation to exchange information.

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).

3. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate. For those purposes, the Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall share, in a timely and accurate manner, all necessary information.

#### *Amendment*

1. The Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall be subject to a duty to cooperate in good faith and an obligation to exchange **all relevant** information **on a regular basis**.

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 UNHCR, **and with the other bodies, organisations and persons referred to in Article 2 (2a)**.

3. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate. For those purposes, the Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall share, in a timely and accurate manner, all necessary information.

**3a. Where the Executive Director has established that a Member State's asylum authorities, national immigration and asylum services and other national**

*services have systematically failed to comply with the duty to cooperate in good faith, including the duty to provide timely and accurate information in accordance with Regulation (EC) No 862/2007, he or she shall submit a report to the Management Board and to the Commission and include such information in the annual activity report on the situation of asylum in the Union under Article 65.*

## Amendment 44

### Proposal for a regulation Article 4

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

2. 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.

For this purpose, the Agency shall work in close collaboration with the European *Agency for the Management of*

#### *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, including up-to-date information on root causes, migratory and refugee flows, *particularly on the presence of unaccompanied minors, reception capacity and resettlement needs*, 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 information to the Member States and to identify possible risks to the Member States' asylum systems.

2. 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 *the* UNHCR, and *the other bodies, organisations and persons referred to in Article 2 (2a).*

For this purpose, the Agency shall work in close collaboration with the European *Border and Coast Guard* and shall, in

***Operational Cooperation at the External Borders of the Member States***, and shall, in particular, ***rely on*** the risk analysis carried out by that Agency ***so as*** to ensure the highest level of consistency and convergence in the information provided by both Agencies.

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 45**

### **Proposal for a regulation Article 5**

#### *Text proposed by the Commission*

1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.

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.

3. In particular, the Agency shall gather information on the following:

(a) the processing of applications for international protection by national administrations and authorities;

particular ***and as appropriate, take into account*** the risk ***analysis and vulnerability assessment*** carried out by that Agency to ensure the highest level of consistency and convergence in the information provided by both Agencies.

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 to the European Parliament***.

#### *Amendment*

1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.

2. The Agency shall create ***publicly available*** 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.

3. In particular, the Agency shall gather ***quantitative and qualitative*** information on the following:

(a) the processing of applications for international protection by national administrations and authorities, ***including on the duration of processing of applications and on other procedural***

- (b) national law and legal developments in the field of asylum, including case law;
- (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights.

Amendment 46

**Proposal for a regulation**  
**Article 6**

*Text proposed by the Commission*

**Article 6**

***Support to the Dublin system***

***The Agency shall perform its tasks and obligations as set out in Regulation (EU) No XXX/XXX.***

**Amendment 47**

**Proposal for a regulation**  
**Article 7**

*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.
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.

***aspects;***

- (b) national law and legal developments in the field of asylum, including case law;
- (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights

*Amendment*

***deleted***

*Amendment*

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.
2. The Agency shall develop such training in close cooperation with Member States and, ***where appropriate, with the European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights and in cooperation with appropriate training entities in the Member States, existing training networks such as the European Judicial Training Network, and the other bodies, organisations and persons referred***

3. The Agency shall develop general, specific or thematic training tools, which may include ‘train-the-trainers’ methodology and e-learning.

4. The Agency shall establish and develop a European asylum curriculum taking into account the Union's existing cooperation in that field. Member States shall integrate the common core curriculum in the training of staff of national services and authorities responsible for asylum matters pursuant to their obligation under Article 4(3) of Directive 2013/32/EU of the European Parliament and of the Council<sup>21</sup> to ensure proper training of their staff.

5. The specific or thematic training activities regarding asylum matters shall include:

(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;

(b) issues related to the handling of applications for international protection, in particular those from vulnerable persons ***with specific needs and children, including as regards the best interests of the child assessment, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques;***

*to in Article 2 (2a).*

3. The Agency shall develop general, specific or thematic training tools, which may include ‘train-the-trainers’ methodology and e-learning.

4. The Agency shall establish and develop a European asylum curriculum taking into account the Union's existing cooperation in that field. ***The common core curriculum shall aim to promote best practices and the highest standards in the implementation of Union asylum law.*** Member States shall integrate the common core curriculum in the training of staff of national services and authorities responsible for asylum matters pursuant to their obligation under Article 4(3) of Directive 2013/32/EU of the European Parliament and of the Council<sup>21</sup> to ensure proper training of their staff.

5. The specific or thematic training activities regarding asylum matters shall include ***inter alia***:

(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, ***procedural*** and case law issues;

(b) issues related to the handling of applications for international protection, in particular those from vulnerable persons;

***(b a) identification and referral procedures for minors including detailed rules aimed at evaluating the best interests of the child, specific procedural safeguards such as respect for the child's right to be heard and child protection***

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

(d) fingerprinted data, including data quality and security requirements;

(e) the use of expert medical and legal reports in asylum procedures;

(f) issues relating to the production and use of information on countries of origin;

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

***aspects such as age-assessment techniques, appointment of guardians and alternatives to detention for children and families;***

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

***(c a) identification and referral procedures for vulnerable persons;***

***(c b) exchange of best practices in the implementation of Union asylum law , in particular in the framework of facilitating training aimed at members of courts and tribunals;***

(d) fingerprinted data, including data **protection aspects, data** quality and security requirements;

(e) the use of expert medical and legal reports in asylum procedures;

(f) issues relating to the production and use of information on countries of origin;

(g) reception conditions, including special attention **and assistance** given to unaccompanied children and children with their families, **and** vulnerable **persons**;

***(g a) issues related to the content of international protection, the rights of persons granted international protection and integration support;***

***(g b) issues related to the handling of relocation procedures;***

***(g c) resettlement, including with regard to selection missions, the provision of pre-departure information and post-arrival support, access to education, language courses, vocational training and apprenticeship;***

***(g d) resilience and stress-management skills for the staff working directly with asylum-seekers;***

***(g e) other relevant issues, where necessary, on the basis of a decision of the Management Board.***

6. The training offered shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.

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.

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

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<sup>21</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ L 180, 29.6.2013, p. 60).

## Amendment 48

### Proposal for a regulation Article 8

#### *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

6. The training offered shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.

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.

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

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<sup>21</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ L 180, 29.6.2013, p. 60).

#### *Amendment*

1. The Agency shall be a centre for gathering *objective*, relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific, *and gender-specific* information and targeted information on vulnerable *persons and* persons belonging to *minorities*. It shall draw up and regularly

information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.

2. The Agency shall, in particular:

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

update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.

2. The Agency shall, in particular:

- (a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from **the UNHCR and the other bodies**, organisations **and persons referred to in Article 2 (2a)**, including through the networks referred to in Article 9 **and the Consultative Forum referred to in Article 48, fact finding missions coordinated by the Agency**, as well as Union institutions, agencies, bodies, offices and the European External Action Service;
- (b) manage and further develop a **publicly accessible** portal for gathering **and disseminating** information on countries of origin;
- (c) develop **in consultation with the Consultative Forum as well as the UNHCR and other relevant intergovernmental and non-governmental organisations, researchers and academics** a common format and a common methodology including terms of reference, for developing reports and other products with information on countries of origin at the level of the Union **in line with the requirements of international and Union asylum law**.

Amendment 49

## Proposal for a regulation Article 9

### *Text proposed by the Commission*

1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks

### *Amendment*

1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks



among Member States on country of origin information.

2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:

(a) exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;

(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.

among Member States on country of origin information. ***Such networks may, where relevant and on a case by case basis, involve external experts with relevant expertise from the UNHCR and non-governmental organisations.***

2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:

(a) ***periodically*** exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;

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

## Amendment 50

### Proposal for a regulation Article 10

#### *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.

2. The Executive Director shall, after consulting the Commission, ***submit*** that common analysis to the Management

#### *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. ***The Agency shall ensure that such common analysis takes account of the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from specific countries of origin.***

2. The Executive Director shall, after consulting the Commission, ***the UNHCR and the Consultative Forum, adopt*** that

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.

3. The Agency shall ensure that the common analysis is kept constantly under review and updated to the extent necessary. Any such revision shall likewise require prior consultation of the Commission *and endorsement by the Management Board*.

4. The Member States shall, on a monthly basis, submit to the Agency relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:

(a) statistics on the number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;

(b) statistics on the number of decisions refusing international protection to applicants from each country of origin which is the subject of the common analysis;

(c) statistics on the number of decisions taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.

common analysis *after having submitted it* to the Management Board *for review*. 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.

3. The Agency shall ensure that the common analysis is kept constantly under review and updated to the extent necessary. Any such revision shall likewise require prior consultation of the Commission, *the UNHCR and the Consultative Forum*.

4. The Member States shall, on a monthly basis, submit to the Agency *all* relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:

(a) statistics on the *number of applications for international protection lodged and the* number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;

(b) statistics on the number of decisions *including inadmissibility decisions* refusing international protection to applicants from each country of origin which is the subject of the common analysis *and grounds for refusal* ;

(c) statistics on the number of decisions *including inadmissibility decisions* taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.

*4a. Based on the information referred to in paragraph 4 the Agency shall study the differences in the recognition rates recorded by Member States regarding*

*applications for international protection from applicants of a given country of origin which is the subject of the common analysis. If the Agency finds the differences to be substantial, the Executive Director shall notify the Commission and the European Parliament of such differences and possible reasons therefor. The Commission shall then take any follow-up steps, as appropriate.*

*4b. The Agency shall ensure that the information received from the Member States in accordance with paragraph 4 is publicly accessible and included as an annex to the annual report to be drafted in accordance with Article 65.*

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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 51**

### **Proposal for a regulation Article 11**

#### *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 removed from that list.

#### *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 that have been suspended by the Commission and those that have been removed from that list.

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.

3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.

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 52

### **Proposal for a regulation** **Article 12**

*Text proposed by the Commission*

1. The Agency shall organise and

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

**2a. Information provided by the Agency in accordance with paragraphs 1 and 2 shall be compiled in accordance with the general principles provided for in Article 8, and shall take into account information received from the UNHCR, UN and Council of Europe human rights monitoring mechanisms, relevant non-governmental organisations and other relevant independent and reliable sources, including information provided within the framework of the Consultative Forum.**

3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.

The **Parliament, the Council or 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*

1. The Agency shall organise and

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coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.

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.

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 53

### **Proposal for a regulation** **Article 13**

#### *Text proposed by the Commission*

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

coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.

2. The Agency shall, on its own initiative or at the request of the Commission, and in consultation with the Commission, ***and the Member States, its Consultative Forum, the UNHCR, relevant intergovernmental and non-governmental organisations, and where relevant, the European Judicial Training Network and judicial associations*** 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

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*

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

mechanism to:

(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*;

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

(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, *staff available*, including for translation and interpretation in Member States, *financial resources* and the capacity of Member States' asylum authorities, including the judicial system, to handle and manage asylum cases efficiently and *correctly*.

2. 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

mechanism to:

(a) monitor the implementation and assess all aspects of the CEAS in Member States, in particular the Dublin system, reception conditions, asylum procedures *and respect for relevant procedural safeguards, the right to an effective remedy, including legal aid, access to interpretation*, 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 functioning of referral mechanisms for vulnerable applicants and resettlement*;

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

(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, *financial and human resources*, including for translation and interpretation in Member States, and the capacity of Member States' *judicial and administrative* asylum authorities, including judicial system, to handle and manage asylum cases efficiently and *in accordance with international and Union law*.

*1a. For the purposes of paragraph 1, the Agency shall have access to the aggregated and anonymised statistical data from Eurodac as well as VIS established by Regulation (EC) 767/2008, SIS II established by Regulation (EC) 1987/2006 and the Entry-Exit-System to be established by Regulation (EU) 2017/... of the European Parliament and of the Council.*

2. The Agency *shall*, in particular, base its assessment on information provided, *inter alia*, by Member States, information analysis on the situation of asylum developed by the Agency, on-site

case sampling.

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.

3. The Agency shall assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, where necessary.

visits and case sampling, *information provided by applicants, and assessments provided by the bodies, organizations and persons referred to in Article 2(2a).*

*For the purposes of that assessment, the Agency may make unannounced on-site visits without prior notification to the Member State concerned. The Commission, in close cooperation with the Member States, shall establish general guidelines on the practical arrangements for such visits.*

For that purpose, Member States shall, at the request of the Agency, provide it with the necessary information as regards asylum procedures, *relevant procedural safeguards, including the availability of legal aid and access to interpretation*, 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 *and actively support* any on-site visit that the Agency shall carry out for the purposes of the monitoring exercise.

3. The Agency shall assess the *capacity and* readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems *without prejudice to the competences of the Commission as provided for in the Treaties*. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, *in accordance with Article 16*, where necessary.

## Amendment 54

### Proposal for a regulation Article 13 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. In order to carry out its task of monitoring and evaluating the implementation of the CEAS and the Member States' asylum and reception systems in an effective, impartial and independent manner, the Agency shall have an appropriate number of permanent and temporary staff and adequate financial resources.**

*Justification*

*The task of monitoring and evaluating the CEAS should not be carried out by seconded experts, but by the Agency's own staff, trained for that purpose. There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.*

## Amendment 55

### Proposal for a regulation Article 14

*Text proposed by the Commission*

*Amendment*

1. The **Management Board** shall, in consultation with the Commission, set the programme for **monitoring and assessing the asylum and reception systems in each Member State, or of all Member States on the basis of thematic or specific aspects of the asylum systems**. That programme shall form part of the multi-annual and annual programming referred to in Article 41.

The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every

1. The **Agency** shall, in consultation with the Commission, set the programme for **the mechanism referred to in Article 13**. That programme shall form part of the multi-annual and annual programming referred to in Article 41.

The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every



*five*-year period.

The annual work programme shall list the Member States to be monitored the following year in accordance with the multi-annual programming and *the* thematic *assessments*. It shall include an indication of what the monitoring shall consist of and a schedule for any on-site visits.

The annual work programme may be adapted if necessary in accordance with Article 41.

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.

2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts *shall* be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits and information provided by Member

*three*-year period;

The annual work programme shall list the Member States to be monitored the following year in accordance with the multi-annual programming and *any* thematic *assessment in one or more Member States, considered necessary in the following year based on the information analysis drawn up in accordance with Article 4*. It shall include an indication of what the monitoring shall consist of and a schedule for any on-site visits.

The annual work programme may be adapted if necessary in accordance with Article 41.

The Agency shall 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 *or its capacity and readiness to meet challenges of a disproportionate pressure which could jeopardise the functioning of the CEAS. If such a monitoring exercise reveals serious deficiencies deemed to jeopardise the functioning of the CEAS or to constitute a serious threat to public policy or internal security within the area without internal borders, the Commission, on its own initiative or at the request of the European Parliament or of a Member State, shall inform the European Parliament and the Council as soon as possible thereof.*

2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts *may* be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits, *including unannounced on-site*

States.

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then **submit** the draft report, taking into account the comments of the Member State concerned, **to the Management Board. The Management Board shall adopt the monitoring report** and transmit it to the Commission.

4. The Executive Director, after consultation with the Commission, shall submit draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings.

5. The Member State concerned shall provide the Agency with an action plan within one month from adoption of the recommendations referred to in paragraph 4. That Member State shall report to the Agency on the implementation of the action plan within three months from the adoption of the recommendations and shall thereafter continue to report every month for a maximum of six months.

*visits*, and information provided by Member States **as well as the UNHCR and non-governmental organisations**.

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then **finalise** the draft report after taking into account the comments of the Member State concerned and transmit it to **the European Parliament, the Council and the Commission**.

4. The Executive Director, after consultation with the Commission, shall submit draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations **and ten days in the event of the situation referred to in point (c) of paragraph 1**. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings. **The recommendations shall be made publicly available**.

5. The Member State concerned shall provide the Agency with an action plan within one month from adoption of the recommendations referred to in paragraph 4 **and fifteen days in the event of the situation referred to in point (c) of paragraph 1**. That Member State shall report to the Agency on the implementation of the action plan within three months from the adoption of the recommendations and **45 days in the event of the situation referred to in point (c) of paragraph 1** and shall thereafter continue to report every month for a maximum of

6. The Agency shall inform the Commission on a regular basis of the implementation of the action plan.

Amendment 56

**Proposal for a regulation**  
**Article 14 a (new)**

*Text proposed by the Commission*

six months.

6. The Agency shall inform the Commission **and the European Parliament** on a regular basis of the implementation of the action plan.

*Amendment*

**Article 14a**

***Liaison officers in Member States***

***1. In order to assist the Agency in carrying out its duties under Articles 13 and 14 the Agency shall ensure regular monitoring of the implementation by Member States of the CEAS through liaison officers of the Agency.***

***The Agency may decide that a liaison officer covers up to four Member States which are geographically close to each other.***

***2. The Executive Director shall appoint experts from the staff of the Agency to be deployed as liaison officers. The Executive Director shall, in consultation with the Member States concerned, make a proposal on the nature and terms of the deployment and the Member State or region to which a liaison officer may be deployed. The proposal from the Executive Director shall be subject to approval by the Management Board. The Executive Director shall notify the Member State concerned of the appointment of liaison officers and shall determine, together with the Member State concerned, the location of deployment.***

***3. Liaison officers shall act on behalf of the Agency and shall foster cooperation and dialogue between the Agency and the national authorities responsible for the***

*application of the CEAS, in particular the authorities in charge of processing asylum applications. Liaison officers shall, in particular:*

- (a) act as an interface between the Agency and the national authorities responsible for asylum;*
- (b) support the collection of information referred to in Articles 13 and 14 and any other information required by the Agency;*
- (c) contribute to promoting the application of the Union acquis relating to the implementation of the CEAS, including with regard to respect for fundamental rights;*
- (d) assist, where possible, the Member States in preparing their contingency planning for measures to be taken to deal with possible disproportionate pressure on their asylum and reception systems;*
- (e) facilitate communication between the Member State concerned and the Agency, share relevant information from the Agency with the Member State concerned, including information about ongoing assistance;*
- (f) report regularly to the Executive Director on the capacity of the Member State concerned to deal effectively with its obligations under the CEAS;*

*Where the reports referred to in point (f) raise concerns about one or more aspects relevant for the Member State concerned, the Member State concerned shall be informed without delay by the Executive Director.*

*4. In carrying out their duties, the liaison officers shall take instructions only from the Agency.*

Amendment 57

**Proposal for a regulation  
Article 15**

1. Where, after the period referred to in Article 14(5), the Member State concerned has not fully implemented the action plan ***and the shortcomings in the asylum and reception systems are so serious that they jeopardize the functioning of the CEAS***, the Commission shall, 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, and where necessary setting out the measures to be taken by the Agency to support that Member State.

2. The Commission may, taking into account the seriousness of the shortcomings identified, organise on-site visits to the Member State concerned to verify the implementation of the action plan.

3. The Member State concerned shall report to the Commission on the implementation of the recommendations referred to in paragraph 1 within the time-limit set in those recommendations.

If after that time-limit, the Commission is not satisfied that the Member State has fully complied with those recommendations, it may ***take further action in accordance with Article 22(3)***.

1. Where, after the period referred to in Article 14(5), the Member State concerned has not fully implemented the action plan, the Commission shall, based on its own assessment of the implementation of the action plan and the seriousness of any resulting shortcomings, adopt recommendations addressed to that Member State outlining the measures needed to remedy such serious shortcomings, and where necessary setting out the measures to be taken by the Agency to support that Member State.

2. The Commission may, taking into account the seriousness of the shortcomings identified, organise on-site visits to the Member State concerned to verify the implementation of the action plan.

3. The Member State concerned shall report to the Commission on the implementation of the recommendations referred to in paragraph 1 within the time-limit set in those recommendations.

If after that time-limit, the Commission is not satisfied that the Member State has fully complied with those recommendations, it may ***adopt a decision by means of an implementing act, identifying one or more measures necessary to address the serious shortcomings identified***.

***3a. Where a Member State systematically fails to comply with the measures set out in the implementing act referred to in paragraph 3 within the time-limit set therein, thus putting at serious risk the functioning of the CEAS, the Commission may trigger, as a last resort, the procedure provided for in Article 29 of Regulation (EU) 2016/399,***

4. The Commission shall inform the European Parliament and the Council on a regular basis about the progress made by the Member State concerned.

*provided that the relevant conditions are met and in line with the principle of necessity and proportionality.*

4. The Commission shall inform the European Parliament and the Council on a regular basis about the progress made by the Member State concerned.

*4a. The Commission shall transmit to the European Parliament, at its request, any document pertaining to the follow-up of the monitoring exercise including the results of any on-site visits.*

## Amendment 58

### Proposal for a regulation Article 16

#### *Text proposed by the Commission*

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure
2. Member States shall submit a request for assistance to the Executive Director describing the situation and the purpose of the request. The request shall be accompanied by a detailed assessment of needs. The Executive Director shall evaluate, approve and coordinate requests for assistance. Each shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose a set of measures as referred to in paragraph 3 that can meet the needs of the Member State concerned.
3. The Agency shall organise and coordinate, for a limited period of time, one or more of following operational and technical measures:
  - (a) assist Member States with the

#### *Amendment*

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure.
2. Member States shall submit a request for assistance to the Executive Director describing the situation and the purpose of the request. The request shall be accompanied by a detailed assessment of needs. The Executive Director shall evaluate, approve and coordinate requests for assistance. Each shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose a set of measures *within a reasonable time* as referred to in paragraph 3 that can meet the needs of the Member State concerned.
3. The Agency shall organise and coordinate, for a limited period of time, one or more of following operational and technical measures *in full compliance with fundamental rights*:
  - (a) assist Member States with the

- identification and registration of third-country nationals;
- (b) facilitate the examination of applications for international protection that are under examination by the competent national authorities;
- (c) provide assistance to competent national authorities responsible for the examination of applications for international protection;
- (d) facilitate Member States' initiatives of technical cooperation in processing of applications for international protection;
- (e) assist with the provision of information on the international protection procedure;
- (f) advise and coordinate the setting up or provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;
- (g) assist with the relocation or transfer of beneficiaries of international protection within the Union;
- (h) provide interpretation services;
- (i) assist Member States in ensuring that all the necessary ***child rights and child protection safeguards*** are in place;
- (j) form part of the migration management support teams at hotspot areas referred to in Regulation No XXX/XXX.

- identification and registration of third-country nationals;
- (b) facilitate the examination of applications for international protection that are under examination by the competent national authorities ***including, where appropriate, by assisting Member States in the examination of the admissibility of asylum applications***;
- (c) provide assistance to competent national authorities responsible for the examination of applications for international protection ***including by means of joint processing if requested by the Member State concerned***;
- (d) facilitate Member States' initiatives of technical cooperation in processing of applications for international protection;
- (e) assist with the provision of information on the international protection procedure;
- (f) advise and coordinate the setting up or provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;
- (g) assist with, ***carry out or coordinate*** the relocation or transfer of beneficiaries of ***and applicants for*** international protection within the Union;
- (h) provide interpretation services;
- (i) assist Member States in ensuring that all the necessary ***safeguards for respecting the rights of the child*** are in place, ***in full compliance with the best interests of the child, including identification and referral procedures for minors***;
- (j) form part of the migration management support teams at hotspot areas referred to in Regulation No XXX/XXX.
- (j a) assist with identification and referral procedures and safeguards for vulnerable persons, and with the***

*provision of adequate assistance to such vulnerable persons;*

*(j b) provide any additional form of operational and technical assistance requested by the Member State in accordance with paragraph 1.*

*3a. For the purposes of organising and coordinating the operational and technical measures, the Agency may enter into emergency standby agreements with the UNHCR and relevant intergovernmental or non-governmental organisations to complement the Agency's capacity to provide operational and technical assistance to Member States, in particular with regard to the setting up or provision of reception facilities, the provision of information to asylum seekers, identification, referral and assistance to vulnerable persons and the provision of interpretation services;*

4. The Agency shall finance or co-finance the activities set out in paragraph 3 from its budget in accordance with the financial rules applicable to the Agency.

5. The Executive Director shall evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports to the Management Board within 60 days from the end of those measures. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual activity report referred to in Article 65.

4. The Agency shall finance or co-finance the activities set out in paragraph 3 from its budget in accordance with the financial rules applicable to the Agency.

5. The Executive Director shall, ***based on a reporting and evaluation scheme containing indicators and benchmarks for the evaluation, including with regard to the protection of fundamental rights, and taking into account, where available, information from other Union agencies and the bodies, organisations and persons referred to in Article 2 (2a)***, evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports to the Management Board, ***to the Commission and to the European Parliament*** within 60 days from the end of those measures, ***together with the observations of the Fundamental Rights Officer***. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual activity report referred to in Article 65.



## Amendment 59

### Proposal for a regulation Article 17

#### *Text proposed by the Commission*

1. The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance in accordance with Article 16.
2. The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency.
3. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of experts to be made available for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.
4. Member States shall contribute to the asylum support teams through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles.
5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters. Member States may choose either to deploy the interpreters or to make them available by video-conferencing.
6. The contribution by Member States as regards their own experts or experts seconded to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and the Member States. In accordance with those

#### *Amendment*

1. The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance in accordance with Article 16.
2. The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency.
3. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of experts to be made available for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.
4. Member States shall contribute to the asylum support teams through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles.
5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters. Member States may choose either to deploy the interpreters or to make them available by video-conferencing.
6. The contribution by Member States as regards their own experts or experts seconded to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and the Member States. In accordance with those

agreements, Member States shall make the experts immediately available for deployment unless they are faced with an exceptional situation substantially affecting the discharge of national tasks.

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.

8. The Agency shall contribute to the asylum support teams with experts from its own staff employed specifically for field work and interpreters.

agreements, Member States shall make the experts immediately available for deployment unless they are faced with an exceptional situation substantially affecting the discharge of national tasks.

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 **60** days.

8. The Agency shall contribute to the asylum support teams with experts from its own staff employed ***and trained*** specifically for field work and interpreters ***with at least a basic training***.

***8a. The Agency shall inform the European Parliament on an annual basis of the number of experts deployed to the asylum support teams in accordance with this Article. That report shall list the Member States that have invoked the exceptional situation referred to in paragraph 6 in the previous year. It shall also include the reasons for invoking the exceptional situation and information provided by the Member State concerned.***

## **Amendment 60**

### **Proposal for a regulation Article 18**

#### *Text proposed by the Commission*

1. For the purposes of Article 22, the Management Board shall, on a proposal of the Executive Director, set up an asylum intervention pool which shall constitute a reserve of experts placed at the immediate disposal of the Agency. For that purpose, Member States shall, on a yearly basis, make available to the Agency a number of experts of not less than 500 persons.

#### *Amendment*

1. For the purposes of Article 22, the Management Board shall, on a proposal of the Executive Director, set up an asylum intervention pool which shall constitute a reserve of experts placed at the immediate disposal of the Agency. For that purpose, Member States shall, on a yearly basis, make available to the Agency a number of experts of not less than 500 persons.

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

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.

2. The Management Board shall, on a proposal of the Executive Director, decide on the profiles of experts.

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 **60** days.

***3a. The Executive Director may verify whether the experts made available by Member States in accordance with paragraph 1 correspond to the defined profiles and shall decide on the experts to be chosen from the asylum intervention pool. The Executive Director may request that a Member State remove an expert from the asylum intervention pool where the required profiles are not met. He or she shall request that a Member State remove an expert from the asylum intervention pool in the case of misconduct or infringement of the applicable deployment rules.***

***3b. Each Member State shall contribute to the number of experts, as referred to in paragraph 1, in accordance with Annex 1a. Member States who do not make available the required number of experts shall instead provide a financial contribution to a platform set up at Union level, contributing to addressing challenges due to disproportionate pressure and managed directly or indirectly by the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks in line with the information***

*analysis referred to in Article 4.*

*3c. Where a situation arises in which more experts are required than made available under paragraph 1, the Executive Director shall immediately inform the European Parliament, the Council and the Commission. He or she shall also call upon the Council to seek commitments from Member States to meet the shortage.*

*3d. The Agency shall inform the European Parliament on an annual basis of the number of experts that each Member State has committed and the number experts actually deployed from the pool in accordance with this Article.*

## **Amendment 61**

### **Proposal for a regulation Article 19**

#### *Text proposed by the Commission*

1. The Executive Director and the host Member State shall agree on an operational plan. The operational plan shall be binding on the Agency, the host and participating Member States.

2. The operational plan shall set out in detail the conditions for the provision of the operational and technical assistance and the deployment of the asylum support teams or experts from the asylum intervention pool, including the following:

- (a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;
- (b) the foreseeable duration of the deployment;
- (c) the location in the host Member State where the asylum support teams or experts from the asylum intervention pool

#### *Amendment*

1. The Executive Director and the host Member State shall agree on an operational plan. The operational plan shall be binding on the Agency, the host and participating Member States.

2. The operational plan shall set out in detail the conditions for the provision of the operational and technical assistance and the deployment of the asylum support teams or experts from the asylum intervention pool, including the following:

- (a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;
- (b) the foreseeable duration of the deployment;
- (c) the location in the host Member State where the asylum support teams or experts from the asylum intervention pool

shall be deployed;

(d) logistical arrangements including information on working conditions and the environment at the location where the asylum support teams or experts from the asylum intervention pool shall be deployed;

(e) a detailed and clear description of the tasks and special instructions for the asylum support teams or experts from the asylum intervention pool, including the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;

(f) the composition of the asylum support teams or the experts to be deployed from the asylum intervention pool;

(g) the technical equipment deployed, including specific provisions such as conditions of use, transport and other logistics and financial provisions;

(h) regarding assistance with applications for international protection, including as regards the examination of such applications, specific information on the tasks that the asylum support teams or the experts from the asylum intervention pool may perform as well as *reference to* applicable national and Union law;

(i) a reporting and evaluation scheme containing benchmarks for the evaluation report and final date of submission of the final evaluation report;

(j) modalities of cooperation with third countries, other Union agencies, bodies,

shall be deployed

**(c a) the territorial scope of asylum support teams, where such teams are to be mobile;**

(d) logistical arrangements including information on working conditions and the environment at the location where the asylum support teams or experts from the asylum intervention pool shall be deployed;

(e) a detailed and clear description of the tasks and **responsibilities, including with regard to the respect for fundamental rights and** special instructions for the asylum support teams or experts from the asylum intervention pool, including the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;

(f) the composition of the asylum support teams or the experts to be deployed from the asylum intervention pool;

(g) the technical equipment deployed, including specific provisions such as conditions of use, transport and other logistics and financial provisions;

(h) regarding assistance with applications for international protection, including as regards the examination of such applications, specific information on the tasks that the asylum support teams or the experts from the asylum intervention pool may perform, as well as **a clear description of their responsibilities and of the** applicable national, **international,** and Union law **including the liability regime, also by reference to Article 26;**

(i) a reporting and evaluation scheme containing benchmarks for the evaluation report **including with regard to respect of fundamental rights,** and final date of submission of the final evaluation report;

(j) modalities of cooperation with third countries, other Union agencies, bodies,

offices or international organisations;

(k) procedures *whereby persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and persons in a vulnerable situation are directed to the competent national authorities for appropriate assistance.*

3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams or the asylum intervention pool to consult European databases and it may authorise them to consult its national databases in compliance with Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.

4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State. The Agency shall immediately send a copy of the amended or adapted operational plan to the participating Member States.

offices or international organisations *in areas where those actors have similar mandates;*

(k) procedures *for identification and referral of minors and vulnerable persons to the competent national authorities for appropriate assistance and care;*

*(k a) procedures setting out the practical arrangements related to the complaint mechanism referred to in Article 54c.*

*2a. In Member States where the UNHCR is operational and has the capacity to contribute to the request for operational and technical assistance, the Agency shall coordinate with the UNHCR as regards the development and implementation of the operational plan, where appropriate.*

3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams or the asylum intervention pool to consult European databases and it may authorise them to consult its national databases in compliance with Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.

4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State. The Agency shall immediately send a copy of the amended or adapted operational plan to the participating Member States.

## Amendment 62

### Proposal for a regulation Article 20

#### *Text proposed by the Commission*

1. If necessary, the Executive Director may send experts from the Agency to assess the situation in the Member State requesting assistance. The Executive Director shall immediately notify the Management Board of any request for deployment of asylum support teams.
2. The Executive Director shall take a decision on the request for deployment of asylum support teams within three working days from the date of receipt of the request. The Executive Director shall at the same time notify the Member State requesting assistance and the Management Board of the decision in writing stating the main reasons for his or her decision.
3. When determining the composition of each asylum support team, the Executive Director shall take into account the particular circumstances of the Member State requesting assistance and its assessment of needs. The asylum support team shall be constituted in accordance with the operational plan.
4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.
5. As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than seven working days. The Executive Director shall indicate the number and profiles required from the Member States. That information shall be provided, in writing, to the national contact points and shall specify the scheduled date of deployment. A copy of the operational

#### *Amendment*

1. If necessary, the Executive Director may send experts from the Agency to assess the situation in the Member State requesting assistance. The Executive Director shall immediately notify the Management Board of any request for deployment of asylum support teams.
2. The Executive Director shall take a decision on the request for deployment of asylum support teams within three working days from the date of receipt of the request. The Executive Director shall at the same time notify the Member State requesting assistance and the Management Board of the decision in writing stating the main reasons for his or her decision.
3. When determining the composition of each asylum support team, the Executive Director shall take into account the particular circumstances of the Member State requesting assistance and its assessment of needs. The asylum support team shall be constituted in accordance with the operational plan.
4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.
5. As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than seven working days. The Executive Director shall indicate the number and profiles required from the Member States. That information shall be provided, in writing, to the national contact points and shall specify the scheduled date of deployment. A copy of the operational

plan shall also be sent to the national contact points.

6. The Executive Director *shall*, after informing the host Member State, suspend or terminate the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State.

Amendment 63

**Proposal for a regulation**  
**Article 21**

*Text proposed by the Commission*

plan shall also be sent to the national contact points, *the Commission and the European Parliament*.

6. The Executive Director *may*, after informing the host Member State, suspend or terminate, *in whole or in part*, the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State, *or if, after consulting the Fundamental Rights Officer, he or she considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist*.

*Amendment*

*-1. Where a Member State faces disproportionate migratory challenges at particular hotspot areas of its external borders characterised by large inward mixed migratory flows, that Member State may request technical and operational reinforcement by migration management support teams. That Member State shall submit a request for reinforcement and an assessment of its needs to the Agency and other relevant Union agencies, in particular the European Border and Coast Guard and Europol, as provided for in Article 18 (1) of Regulation 2016/1624. The Executive Director, in coordination with other relevant Union agencies, shall assess a Member State's request for reinforcement and the assessment of its needs for the purpose of defining a comprehensive reinforcement package consisting of various activities coordinated by the relevant Union agencies to be agreed upon by the*



1. **Where a Member State requests operational and technical reinforcement by migration management support teams as referred to in Article 17 of Regulation No XXX/XXX or where migration management support teams are deployed at hotspot areas as referred to in Article 18 of Regulation No XXX/XXX, the Executive Director shall ensure coordination of the Agency's activities in the migration management support teams with the Commission and with other relevant Union agencies, in particular, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States.**

2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams or experts from the asylum intervention pool in accordance with Articles 17 and 18. The operational and technical reinforcement provided by the asylum support teams or experts from the asylum intervention pool in the framework of the migration management support teams may include:

- (a) the screening of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting;
- (b) the registration of applications for international protection and, where requested by Member States, the examination of such applications;
- (c) the provision of information on asylum procedures, including relocation and specific assistance to applicants or potential applicants that could be subject to relocation.

**Member State concerned.**

1. **The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation at the hotspot area and be responsible for the coordination of the activities of the migration management support teams.**

2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams or experts from the asylum intervention pool **as part of migration management support teams** in accordance with Articles 17, 18, **20 and 22, including where the procedure set out in paragraph - 1 of this Article or point (b) of Article 19(3) of the Regulation 2016/1624 applies.** The operational and technical reinforcement provided by the asylum support teams or experts from the asylum intervention pool in the framework of the migration management support teams may include:

- (a) the screening of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting;
- (b) the registration of applications for international protection and, where requested by Member States, the examination of such applications;
- (c) the provision of information on asylum procedures, including relocation and specific assistance to applicants or potential applicants that could be subject to relocation, **and information on the rights of the applicant, including remedies available to the applicant, on the access to**

**Proposal for a regulation**  
**Article 22**

*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.

2. The experts of the asylum intervention pool shall be deployed in accordance with the procedure set out in Article 20 provided however that experts shall be **deployed** from each Member State within three working days from the date on which the operational plan is agreed upon by the Executive Director and the Member State requesting assistance. The Member States may not invoke the exception provided for in Article 17(6).

3. Where in the event of disproportionate pressure on the asylum or reception systems a Member State does not request the Agency for operational and technical assistance or does not accept an offer by the Agency for such assistance or does not take sufficient action to address that pressure, or where it does not comply with the Commission's recommendations referred to in Article 15(3), thereby

*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 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, **and where necessary, additional technical equipment** to reinforce the asylum and reception systems within a short period of time.

2. The experts of the asylum intervention pool shall be deployed in accordance with the procedure set out in Article 20 provided however that experts shall be **made available for deployment** from each Member State within three working days from the date on which the operational plan is agreed upon by the Executive Director and the Member State requesting assistance. The Member States may not invoke the exception provided for in Article 17(6).

3. Where in the event of disproportionate pressure on the asylum or reception systems a Member State does not request the Agency for operational and technical assistance or does not accept an offer by the Agency for such assistance or does not take sufficient action to address that pressure, or where it does not comply with the Commission's recommendations referred to in Article 15(3), thereby

rendering the asylum or reception systems ineffective to the extent of jeopardising the functioning of the CEAS, the Commission may adopt a decision by means of an implementing act, identifying one or more of the measures set out in Article 16(3) to be taken by the Agency to support the Member State concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64.

4. For the purposes of paragraph 3, the Executive Director shall, within two working days from the date of adoption of the Commission decision, determine the actions needed to be taken for the practical execution of the measures identified in the Commission decision. In parallel, the Executive Director and the Member State concerned shall agree on the operational plan.

5. The Agency shall, without delay and in any case within three working days from date of establishment of the operational plan, deploy the necessary experts from the asylum intervention pool, as well as experts from its own staff. Where necessary, the deployment of experts from the asylum intervention pool shall be immediately complemented by asylum support teams.

6. The Member State concerned shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan.

7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director.

Amendment 65

**Proposal for a regulation**  
**Article 22 a (new)**

rendering the asylum or reception systems ineffective to the extent of jeopardising the functioning of the CEAS, the Commission may adopt a decision by means of an implementing act, identifying one or more of the measures set out in Article 16(3) to be taken by the Agency to support the Member State concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64.

4. For the purposes of paragraph 3, the Executive Director shall, within two working days from the date of adoption of the Commission decision, determine the actions needed to be taken for the practical execution of the measures identified in the Commission decision. In parallel, the Executive Director and the Member State concerned shall agree on the operational plan.

5. The Agency shall, without delay and in any case within three working days from date of establishment of the operational plan, deploy the necessary experts from the asylum intervention pool, as well as experts from its own staff. Where necessary, the deployment of experts from the asylum intervention pool shall be immediately complemented by asylum support teams.

6. The Member State concerned shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan.

7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director.

**Article 22a**

***Instructions to asylum support teams and experts from the asylum intervention pool***

- 1. During deployment of asylum support teams or experts from the asylum intervention pool, the host Member State shall issue instructions to the teams in accordance with the operational plan.***
- 2. The Agency, through its coordinating officer, may communicate its views to the host Member State on the instructions referred to in paragraph 1. In that case, the host Member State shall take those views into consideration and follow them to the extent possible.***
- 3. In cases where the instructions referred to in paragraph 1 are not in compliance with the operational plan, the coordinating officer shall immediately report to the executive director, who may, if appropriate, take action in accordance with Article 20(6).***

**Amendment 66**

**Proposal for a regulation  
Article 23**

1. Without prejudice to the obligation of Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to Member States to the extent that this may be needed by the asylum support teams or the experts from the asylum intervention pool and insofar as this may complement equipment already made available by the Member

1. Without prejudice to the obligation of Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to Member States, ***including at the request of the Member State in need***, to the extent that this may be needed by the asylum support teams or the experts from the asylum intervention pool and insofar as this may

States or other Union agencies.

2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.

complement equipment already made available by the Member States or other Union agencies.

2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.

***2a. The Agency shall be responsible for ensuring the security of its own equipment throughout the life cycle of the equipment.***

Amendment 67

## **Proposal for a regulation Article 26**

### *Text proposed by the Commission*

1. Where experts of an asylum support team or from the asylum intervention pool are operating in a host Member State, that Member State shall be liable in accordance with *its* national law for any damage caused by them during their operations.

2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may address the home Member State or the Agency to obtain any sums it has paid to the victims or persons entitled on their behalf from the home Member State or the Agency.

3. Without prejudice to the exercise of

### *Amendment*

1. Where experts of an asylum support team or from the asylum intervention pool are operating in a host Member State, that Member State ***and the Agency*** shall be ***jointly and severally*** liable in accordance with ***national and Union*** law for any damage caused by them during their operations. ***Where experts of an asylum support team or from the asylum intervention pool are operating in a third country, the Agency shall be liable for any damage caused by them during their activities.***

2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State ***or the Agency*** may address the home Member State to obtain any sums it has paid to the victims or persons entitled on their behalf from the home Member State or the Agency.

3. Without prejudice to the exercise of

its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.

4. Any dispute between Member States or *with* the Agency relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with *Article 273 of the Treaty*.

5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs relating to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.

its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.

4. Any dispute between Member States or *between a Member State and* the Agency relating to the application of paragraphs *1*, 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with *the Treaties*.

5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs relating to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.

## Amendment 68

### Proposal for a regulation

#### Article 28 – paragraph 1 – point a (new)

*Text proposed by the Commission*

*Amendment*

*(a a) internal transport between different regions of the host Member State;*

## Amendment 69

### Proposal for a regulation

#### Article 28 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

*(f a) car rental and all related costs, such as insurance, fuel and tolls;*

## Amendment 70

### Proposal for a regulation

#### Article 28 – paragraph 1 – point f b (new)

*Text proposed by the Commission*

*Amendment*

**(f b) communication costs;**

## Amendment 71

### Proposal for a regulation

#### Article 28 – paragraph 1 – point f c (new)

*Text proposed by the Commission*

*Amendment*

**(f c) interpretation costs.**

Amendment 72

### Proposal for a regulation

#### Article 30

*Text proposed by the Commission*

*Amendment*

1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.
2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.
3. Without prejudice to Articles 31 and 32, the Agency may process personal data for administrative purposes.
4. The transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.

1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.
2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.
3. Without prejudice to Articles 31 and 32, the Agency may process personal data for administrative purposes.
4. The transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.

**4a. With regard to the processing of personal data by the Agency or its staff when providing operational and technical assistance and under the instructions of the host Member State, the host Member State shall be considered a "controller" within the meaning of Articles 4(1) and 4(7) of Regulation EU 2016/679 and Article 2(d) of Regulation (EC) No 45/2001. This processing shall be subject to Regulation (EU) 2016/679.**

## **Amendment 73**

### **Proposal for a regulation Article 31**

#### *Text proposed by the Commission*

1. The Agency may process personal data only for the following purposes:
  - (a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(3) and 21(2);
  - (b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13;
  - (c) when handling applications for international protection **from children or vulnerable persons**, upon request of Member States, as referred to in **Article 13(2) and** Article 16(3)(b) **and** (c);
  - (d) facilitating the exchange of information with Member States, the European **Agency for the Management of Operational Cooperation at the External Borders of the Member States**, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2);
  - (e) **analysing information on the situation of asylum in accordance with**

#### *Amendment*

1. The Agency may process personal data only for the following purposes:
  - (a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(3) and 21(2);
  - (b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13, **in which case, only personal data relating to nationality, age and gender shall be processed;**
  - (c) when handling applications for international protection upon request of Member States, as referred to in Article 16(3)(b), (c) **and (ja)**;
  - (d) facilitating the exchange of information with Member States, the European **Border and Coast Guard**, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2);



#### **Article 4;**

2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1.

3. Member States or other Union agencies providing personal data to the Agency may only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.

4. Member States or other Union agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.

2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1.

3. Member States or other Union agencies providing personal data to the Agency may only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.

4. Member States or other Union agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.

#### **Amendment 74**

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

#### **Article 32**

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

1. The use by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States shall be limited to the name, date of birth, gender, nationality, profession or education, fingerprints and digitised photograph of third-country nationals.

2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:

##### *Amendment*

1. The use by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States shall be limited to the name, date of birth, gender, nationality, profession or education, fingerprints and digitised photograph of third-country nationals.

2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:

(a) where necessary for the identification and registration referred to in Article 16(3)(a);

(b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities as referred to in Article 16(3)(b);

(c) where necessary to provide assistance to competent national authorities responsible for the examination of applications for international protection as referred to in Article 16(3)(c);

(d) where necessary to assist with the relocation or transfer of beneficiaries of international protection within the Union as referred to in Article 16(3)(g);

(e) where transmission to the European *Agency for the Management of Operational Cooperation at the External Borders of the Member States*, Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30;

(f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules;

**(g) where necessary for analysis of information on the situation of asylum.**

3. The personal data shall be deleted as soon as they have been transmitted to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust or to the competent authorities of Member States *or used for information analysis on the situation of asylum*. The storage period shall in any case not exceed **30** days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall not allow for the

(a) where necessary for the identification and registration referred to in Article 16(3)(a);

(b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities as referred to in Article 16(3)(b);

(c) where necessary to provide assistance to competent national authorities responsible for the examination of applications for international protection as referred to in Article 16(3)(c);

(d) where necessary to assist with the relocation or transfer of beneficiaries of international protection within the Union as referred to in Article 16(3)(g);

(e) where transmission to the European *Border and Coast Guard*, Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30;

(f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules;

3. The personal data shall be deleted as soon as they have been transmitted to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust or to the competent authorities of Member States. The storage period shall in any case not exceed **45** days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall not allow for the identification of a

identification of a natural person at any time.

natural person at any time.

***3a. A Member State or the Agency staff transmitting personal data pursuant to paragraph 1 shall inform the third-country national, at the time of the collection of his or her personal data, of the existence of and the procedures for the exercise of the rights provided for in Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, of the contact details of the national supervisory authority of the host Member State and of the right to lodge a complaint with the national supervisory authorities and national courts.***

Amendment 75

### **Proposal for a regulation Article 35**

#### *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 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.

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as

#### *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 ***the Charter, and the 1951 Convention and the 1967 Protocol, including*** when carrying out activities on the territory of those third countries.

2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as

regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. The Agency shall seek the prior approval of the Commission for such working arrangements and it shall inform the European Parliament.

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.*

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 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.*

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

regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. The Agency shall seek the prior approval of the Commission for such working arrangements and it shall inform the European Parliament. ***The Agency shall inform the European Parliament before a working arrangement is concluded.***

4. The Agency shall ***support*** actions on resettlement taken by Member States or by the Union, including the exchange of information, ***in close cooperation with the UNHCR and relevant non-governmental organisations and in full compliance with the standards and policy guidance set by UNHCR.*** The Agency shall gather information, monitor resettlement to Member States, support Member States with capacity building on resettlement, ***and provide any additional resettlement support in line with the responsibilities conferred on it by Regulation (EU) 2017/xxx [Union Resettlement Framework].***

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.

6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation.

Amendment 76

**Proposal for a regulation**  
**Article 35 a (new)**

*Text proposed by the Commission*

Regulation.

6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation.

**6a. *The Agency shall inform the European Parliament of activities conducted pursuant to this Article. It shall include an assessment of the cooperation with third countries in its annual reports.***

*Amendment*

**Article 35a**

***Liaison officers in third countries***

**1. *The Agency may deploy experts from its own staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. Liaison officers shall only be deployed to third countries in which migration and asylum management practices comply with human rights standards.***

**2. *Within the framework of the external relations policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of its information analysis, constitute a country of origin or transit regarding asylum-related migration. The deployment of liaison officers shall be approved by the Management Board.***

**3. *The tasks of the Agency's liaison officers shall include, in compliance with Union law and in full respect of***

*fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the establishment of protection-sensitive migration management and, as appropriate, to facilitating access to legal pathways to the Union for persons in need of protection, including through resettlement. The liaison officers shall coordinate closely with Union delegations as well as international organisations and bodies, in particular the UNHCR, where appropriate.*

*4. The decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission. The European Parliament shall be kept fully informed of those activities without delay.*

Amendment 77

### **Proposal for a regulation Article 36**

#### *Text proposed by the Commission*

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European ***Agency for the Management of Operational Cooperation at the External Borders of the Member States*** and which are competent in matters covered by this Regulation.
2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament of any such arrangements.
3. The cooperation shall create

#### *Amendment*

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European ***Border and Coast Guard*** and which are competent in matters covered by this Regulation.
2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament of any such arrangements.
3. The cooperation shall create

synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.

Amendment 78

**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 79

**Proposal for a regulation**  
**Article 38**

*Text proposed by the Commission*

The Agency's administrative and management structure shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 40;
- (b) an Executive Director, who shall exercise the responsibilities set out in Article 46;
- (c) a Deputy Executive Director, as established in Article 47.

synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.

*Amendment*

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. ***The Agency shall inform the European Parliament of any such working arrangements.***

*Amendment*

The Agency's administrative and management structure shall comprise:

- (a) a Management Board, which shall exercise the functions set out in Article 40;
- (b) an Executive Director, who shall exercise the responsibilities set out in Article 46;
- (c) a Deputy Executive Director, as established in Article 47;

***(c a) a Fundamental Rights Officer;***  
***(c b) a Consultative Forum.***

## Amendment 80

### Proposal for a regulation Article 39

#### *Text proposed by the Commission*

1. The Management Board shall be composed of one representative from each Member State **and** two representatives of the Commission, which shall have the right to vote.
2. The Management Board shall include one representative of UNHCR, without the right to vote.
3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.
4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.
5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.

Amendment 81

### Proposal for a regulation Article 40

#### *Amendment*

1. The Management Board shall be composed of one representative from each Member State two representatives of the Commission **and two representatives of the European Parliament**, which shall have the right to vote.
2. The Management Board shall include one representative of UNHCR, without the right to vote.
3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.
4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.
5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.



*Text proposed by the Commission*

The Management Board shall:

- (a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41;
- (b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;
- (c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;
- (d) adopt the financial rules applicable to the Agency in accordance with Article 53;
- (e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;
- (f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;
- (g) adopt rules for the prevention and management of conflicts of interest in respect of its members;
- (h) adopt and regularly update the

*Amendment*

The Management Board shall:

- (a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41;
- (b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;
- (c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;
  - (ca) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;**
- (d) adopt the financial rules applicable to the Agency in accordance with Article 53;
- (e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;
- (f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;
- (g) adopt rules for the prevention and management of conflicts of interest in respect of its members;
- (h) adopt and regularly update the

communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;

(i) adopt its rules of procedure;

(j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment<sup>27</sup> (appointing authority);

(k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

(l) ***appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47;***

(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission;

(n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);

(o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;

communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;

(i) adopt its rules of procedure;

(j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment<sup>27</sup> (appointing authority);

(k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

(l) exercise disciplinary authority over ***the Executive Director and Deputy Executive Director***

***(l a) appoint the Fundamental Rights Officer on the proposal from the Executive Director, after consultation with the Consultative Forum;***

(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission ***and shall be made public;***

(n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);

(o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;

***(o a) establish measures for the application of Regulation (EC) 45/2001 by the Agency, including those concerning***

- (p) adopt the Agency's staff policy in accordance with Article 55;
- (q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;
- (r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;
- (s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);
- (t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);
- (u) *endorse the common analysis concerning country of origin information and any review of that common analysis in accordance with Article 10(2) and (3);***
- (v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);
- (w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);
- (x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);
- (y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);
- (z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2);
- (a a) adopt a strategy for relations with third countries or international

***the appointment of a Data Protection Officer of the Agency;***

- (p) adopt the Agency's staff policy in accordance with Article 55;
- (q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;
- (r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;
- (s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);
- (t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);
- (v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);
- (w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);
- (x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);
- (y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);
- (z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2);
- (a a) adopt a strategy for relations with third countries or international

organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;

(b b) authorise the conclusion of working arrangements in accordance with Article 35.

2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

3. The Management Board may establish an Executive Board, *composed of the Chairperson of the Management Board, the two representatives of the Commission to the Management Board and three other members of the Management Board*, to assist it and the Executive Director with regard to the preparation of decisions, the *annual and multi-annual programming* and activities to be adopted by the Management Board. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, *in particular on administrative management matters*.

organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;

(b b) authorise the conclusion of working arrangements in accordance with Article 35.

2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

3. The Management Board may establish *a small-sized* Executive Board, *in order to provide* it and the executive director *with assistance as* regards the preparation of *the* decisions, *programmes* and activities to be adopted by the Management Board *and to* take certain provisional, *urgent* decisions on behalf of the Management Board *when necessary*. *The Executive Board shall not take decisions that are required to be passed by either a two-thirds or three-quarters majority of the members of the Management Board entitled to vote. The management board may delegate certain clearly defined tasks to the Executive Board, in particular where this improves the efficiency of the Agency. The Management Board may not delegate to*

***the Executive Board tasks related to decisions that are required to be passed by either a two-thirds or three-quarters majority of the members of the Management Board entitled to vote.***

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<sup>27</sup> Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1)

Amendment 82

### **Proposal for a regulation Article 41**

#### *Text proposed by the Commission*

1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.

The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.

2. The multi-annual programming

#### *Amendment*

1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.

The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.

2. The multi-annual programming

shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.

The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, respectively, and the actions linked to that strategy, as well as specification of associated resources.

The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.

4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may

shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.

The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, ***the Fundamental Rights Strategy referred to in Article 54a***, respectively, and the actions linked to that strategy, as well as specification of associated resources.

The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.

4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may

delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

## Amendment 83

### Proposal for a regulation Article 45

#### *Text proposed by the Commission*

1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.

2. The Executive Director shall ***be appointed by the Management Board from*** a list of candidates proposed by the Commission, following ***an open and transparent selection procedure***. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.

***For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.***

#### *Amendment*

1. The Executive Director ***and the Deputy Executive Director, who shall assist the Executive Director,*** shall be ***members*** of staff and shall be recruited as temporary ***agents*** of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.

2. The ***European Parliament and the Council shall appoint by common accord the Executive Director based on*** a list of ***at least three*** candidates proposed by the Commission, following ***the publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate***. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.

***2a. The Deputy Executive Director shall be appointed by the Management Board on the proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of the***

***CEAS. The Executive Director shall propose at least three candidates for the post of Deputy Executive Director. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.***

***The Management Board shall have the power to dismiss the Deputy Executive Director in accordance with the procedure set out in the first subparagraph.***

***2b. The Executive Director and the Deputy Executive Director shall be eligible for reappointment once for no more than five years.***

***3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.***

**4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.**

***5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.***

***6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.***

**7. An Executive Director whose term of office has been extended may not**

**4. The term of office of *the Deputy Executive Director and of the* Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the *Deputy Executive Director's and* Executive Director's performance and the Agency's future tasks and challenges**

**7. An Executive Director whose term of office has been extended may not**



participate in another selection procedure for the same post at the end of the overall period.

**8. *The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.***

**9. *The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.***

Amendment 84

### **Proposal for a regulation Article 46**

#### *Text proposed by the Commission*

1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.
2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body.
3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.
4. The Executive Director shall be the legal representative of the Agency.
5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:
  - (a) the day-to-day administration of the

participate in another selection procedure for the same post at the end of the overall period.

#### *Amendment*

1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.
2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body.
3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.
4. The Executive Director shall be the legal representative of the Agency.
5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:
  - (a) the day-to-day administration of the

Agency;

(b) implementing decisions adopted by the Management Board;

(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;

(d) implementing the programming document and reporting to the Management Board on its implementation;

(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;

(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;

(g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;

(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;

(i) preparing the draft financial rules applicable to the Agency;

(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;

(k) exercising the powers laid down in Article 55 in respect of the Agency's staff;

(l) taking all decisions on the

Agency;

(b) implementing decisions adopted by the Management Board;

(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;

(d) implementing the programming document and reporting to the Management Board on its implementation;

(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;

(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;

(g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;

(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;

(i) preparing the draft financial rules applicable to the Agency;

(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;

(k) exercising the powers laid down in Article 55 in respect of the Agency's staff;

(l) taking all decisions on the

management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b);

(m) taking all decisions on the management of the Agency's internal structures;

(n) submitting the common analysis to the Management Board in accordance with Article 10(2);

(o) **submit draft** reports and draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4);

(p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;

(q) ensuring the implementation of the operational plan referred to in Article 19;

(r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1);

(s) ensuring implementation of the Commission decision referred to in Article 22(3);

(t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);

(u) appointing a coordinating officer of

management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b);

(m) taking all decisions on the management of the Agency's internal structures;

(n) submitting the common analysis to the Management Board **for review** in accordance with Article 10(2);

(o) **finalising** reports and **submitting** draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4);

**(o a) submitting reports on compliance with the duty to cooperate in good faith to the Management Board and to the Commission in accordance with Article 3(4);**

(p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;

(q) ensuring the implementation of the operational plan referred to in Article 19;

(r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1);

(s) ensuring implementation of the Commission decision referred to in Article 22(3);

(t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);

**(t a) proposing a candidate for appointment as the Fundamental Rights Officer in accordance with Article 47a of this Regulation;**

(u) appointing a coordinating officer of

the Agency in accordance with Article 25(1).

the Agency in accordance with Article 25(1).

## **Amendment 85**

### **Proposal for a regulation Article 47**

*Text proposed by the Commission*

*Amendment*

*Article 47*

*deleted*

*Deputy Executive Director*

*1. A Deputy Executive Director shall assist the Executive Director.*

*2. The provisions of Article 45 shall apply to the Deputy Executive Director.*

Amendment 86

### **Proposal for a regulation Article 47 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 47a*

*1. A Fundamental Rights Officer shall be appointed by the Management Board on a proposal from the Executive Director, following consultation with and the Consultative Forum. The Fundamental Rights Officer shall have the necessary qualifications and experience in the field of fundamental rights and asylum. The Fundamental Rights Officer shall be responsible for drawing up the Fundamental Rights Strategy, monitoring compliance with fundamental rights and promoting the respect of fundamental rights by the Agency.*

*2. The Fundamental Rights Officer shall be independent in the performance of his or her duties, shall report directly to the Management Board and shall*

*cooperate with the Consultative Forum. The Fundamental Rights Officer shall report to the Consultative Forum on a regular basis and as such contribute to the mechanism for monitoring fundamental rights referred to in Article 54a.*

*3. The Fundamental Rights Officer shall be consulted, inter alia, on the operational plans drawn up in accordance with Article 19, on the operational activities organised by or with the involvement of the Agency, codes of conduct, cooperation with third countries, the withdrawal of the financing, the suspension or the termination of an activity of the Agency and training curricula. The Fundamental Rights Officer shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency, including by carrying out on-site visits to any operational activity carried out by the Agency or where the Agency participates, including in third countries. The Fundamental Rights Officer shall be responsible for establishing, further developing and implementing the complaints mechanism pursuant to Article 54c.*

*4. The Agency shall ensure that the Fundamental Rights Officer has the sufficient staff and resources to carry out his or her tasks. The Fundamental Rights Officer shall have control over his or her budget.*

## **Amendment 87**

### **Proposal for a regulation Article 48**

*Text proposed by the Commission*

1. The Agency shall maintain a close

*Amendment*

1. The Agency shall maintain a close

dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum.

2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.

3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.

***On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum.***

4. The Consultative Forum shall ***assist*** the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.

dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum.

2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.

3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.

The Executive Director, shall decide on the composition of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum. ***The Consultative Forum shall, after consulting the Management Board and the Executive Director, define its working methods including thematic or geographic-focused working groups as deemed necessary and useful.***

4. The Consultative Forum shall ***advise*** the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.

***4a. The Consultative Forum shall, in particular, be consulted on the establishment of the mechanism referred to in Article 13, further development and implementation of the Fundamental Rights Strategy, codes of conduct, working arrangements with third***

***countries, the complaint mechanism referred to in Article 54c, operational plans and common core curricula.***

5. The Consultative Forum shall, in particular:

- (a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;
- (b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and
- (c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency.

6. The Consultative Forum shall meet at least twice a year.

5. The Consultative Forum shall, in particular:

- (a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;
- (b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and
- (c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency.

***5a. The Management Board shall ensure that adequate human and financial resources are allocated to the Consultative Forum.***

6. The Consultative Forum shall meet at least twice a year.

## **Amendment 88**

### **Proposal for a regulation**

#### **Article 49 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. The budget, including the establishment plan, shall include sufficient financing of the Fundamental Rights Strategy and the Fundamental Rights Officer amounting to at least 5 % of the overall budget.***

## Amendment 89

### Proposal for a regulation

#### Article 52 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.

*Amendment*

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors. ***The report shall provide details of expenditure for each of the tasks listed in Article 2.***

## Amendment 90

### Proposal for a regulation

#### Article 54 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 54a***

#### ***Protection of Fundamental Rights and Fundamental Rights Strategy***

- 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, 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 the purpose referred to in paragraph 1, 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.***

Amendment 91



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

*Text proposed by the Commission*

*Amendment*

**Article 54b**

**Code of Conduct**

*The Agency shall draw up and further develop a Code of Conduct applicable to all experts involved in support operations coordinated by the Agency. The Code of Conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection. The Code of Conduct shall be applicable to all persons participating in the activities of the Agency.*

Amendment 92

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

*Text proposed by the Commission*

*Amendment*

**Article 54c**

**Complaint mechanism**

- 1. The Agency shall, in cooperation with the Fundamental Rights Officer, take the necessary measures to set up a complaint mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.*
- 2. Any person who is directly affected by the actions of staff involved in operational activities organised by or with the involvement of the Agency, and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any party representing such a person,*

*may submit a complaint in writing to the Agency.*

*3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible. Complaints which are anonymous, malicious, frivolous, vexatious, hypothetical or inaccurate shall be considered inadmissible.*

*4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning members of the teams to the home Member State, inform the relevant authority or body competent for fundamental rights in a Member State, and register and ensure the follow-up by the Agency or that Member State.*

*5. In accordance with the right to good administration, where a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. Where a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. Where a complaint is not admissible, complainants shall be informed of the reasons for the inadmissibility and, if possible, provided with further options for addressing their concerns.*

*Any decision shall be in written form and reasoned.*

*6. In the case of a registered complaint concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, in*

*consultation with the Fundamental Rights Officer, including disciplinary measures as necessary. The Executive Director shall report back within a determined timeframe to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint, including disciplinary measures as necessary.*

*If a complaint is related to data protection issues, the Executive Director shall involve the Data Protection Officer of the Agency. The Fundamental Rights Officer and the Data Protection Officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.*

*7. In the case of a complaint concerning an expert of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-up the matter where no report is received from the relevant Member State.*

*8. Where an expert deployed by the Agency or a seconded national expert is found to have violated fundamental rights or international protection obligations, the Agency shall request the Member State to remove that expert or seconded national expert immediately from the activity of the Agency or the asylum intervention pool.*

*9. The Fundamental Rights Officer shall report to the Executive Director and to the Management Board as to the*

*findings and follow-up given to complaints by the Agency and the Member States. The Agency shall include in its annual report information on the complaints mechanism.*

Amendment 93

**Proposal for a regulation**  
**Article 59 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 59a**

***Prevention of conflicts of interest***

***The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.***

Amendment 94

**Proposal for a regulation**  
**Article 60**

*Text proposed by the Commission*

*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> Those rules shall apply, in particular, to the exchange, processing and storage of classified information.

2. The Agency shall also apply the security principles relating to the processing of non-classified sensitive information as set out in the Decisions referred to in paragraph 1 and as implemented by the Commission. The Management Board shall establish measures for the application of those security principles.

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.

2. The Agency shall also apply the security principles relating to the processing of non-classified sensitive information as set out in the Decisions referred to in paragraph 1 and as implemented by the Commission. The Management Board shall establish measures for the application of those security principles.

***2a. Classified information shall be made available to the European***

***Parliament in accordance with this Regulation. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall comply with the rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.***

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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).

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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).

## **Amendment 95**

### **Proposal for a regulation Article 61 – paragraph 3**

*Text proposed by the Commission*

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.

*Amendment*

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties. ***In cases referred to in Article 26 the Agency shall be liable for any damages caused by members of the teams during their operations, in particular, the damages caused by violations of fundamental rights.***

## **Amendment 96**

### **Proposal for a regulation Article 63 a (new)**

**Article 63 a**

**Amendment to Regulation (EU) 2016/399**

***In Regulation (EU) 2016/399, Article 29(1) is replaced by the following: ‘1. In exceptional circumstances, where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control as referred to in Article 21 of this Regulation or as a result of the non-compliance of a Member State with a Council decision referred to in Article 19(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>1a</sup>, or as a result of the non-compliance of the Member State with the Commission implementing act referred to in Article 15 (3 a) of Regulation (EU) 2016/... of the European Parliament and of the Council<sup>\*+</sup>, and under the conditions set out therein, and insofar as those circumstances constitute a serious threat to public policy or internal security within the area without internal border control or within parts thereof, border control at internal borders may be reintroduced in accordance with paragraph 2 of this Article for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months if the exceptional circumstances persist.***

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<sup>1a</sup> ***Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision***

2005/267/EC (OJ L 251, 16.9.2016, p. 1).

\* **Regulation (EU) 2017/... of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L ..., ..., p. ...).**

+ **OJ: please insert the serial number of the Regulation in 2016/0131(COD) and the publication details in the footnote.’**

Amendment 97

### **Proposal for a regulation Article 65**

#### *Text proposed by the Commission*

1. The Agency shall draw up an annual activity report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Agency shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS.

2. The Agency shall transmit the annual activity report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament.

Amendment 98

### **Proposal for a regulation Article 66**

#### *Text proposed by the Commission*

1. No later than three years from the day of entry into force of this Regulation,

#### *Amendment*

1. The Agency shall draw up an annual activity report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Agency shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS.

2. The Agency shall transmit the annual activity report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament.

**2a. The annual activity report shall be made public and published on the Agency's website.**

and every five years thereafter, the Commission shall commission an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.

The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.

2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.

3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.

Amendment 99

**Proposal for a regulation**  
**Annex 1 a (new)**

*Text proposed by the Commission*

and every five years thereafter, the Commission shall commission an ***independent external*** evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure

The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.

2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.

3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.

*Amendment*

***Annex 1a***



*Contributions to be provided by each Member State, to the minimum total number of 500 experts, in accordance with Article 18 (1a):*

*Belgium*

*10*

*Bulgaria*

*13*

*Czech Republic*

*7*

*Denmark*

*10*

*Germany*

*74*

*Estonia*

*6*

*Greece*

*17*

*Spain*

*37*

*France*

*56*

*Croatia*

*22*

*Italy*

*41*

*Cyprus*

*3*

*Latvia*

*10*

*Lithuania*

*13*

*Luxembourg*

*3*

*Hungary*

|                      |            |
|----------------------|------------|
|                      | 22         |
| <i>Malta</i>         |            |
|                      | 2          |
| <i>Netherlands</i>   |            |
|                      | 17         |
| <i>Austria</i>       |            |
|                      | 11         |
| <i>Poland</i>        |            |
|                      | 32         |
| <i>Portugal</i>      |            |
|                      | 16         |
| <i>Romania</i>       |            |
|                      | 24         |
| <i>Slovenia</i>      |            |
|                      | 12         |
| <i>Slovakia</i>      |            |
|                      | 12         |
| <i>Finland</i>       |            |
|                      | 10         |
| <i>Sweden</i>        |            |
|                      | 6          |
| <i>Switzerland</i>   |            |
|                      | 5          |
| <i>Iceland</i>       |            |
|                      | 2          |
| <i>Liechtenstein</i> |            |
|                      | *          |
| <i>Norway</i>        |            |
|                      | 7          |
| <b>TOTAL</b>         |            |
|                      | <b>500</b> |

## EXPLANATORY STATEMENT

The Commission's proposal for the creation of a European Union Agency for Asylum aims at strengthening the role of EASO and developing it into an agency which can assume a new role in the implementation of CEAS and a stronger presence in operations. The rapporteur thinks that, in order to achieve this, it is essential to transform the current EASO into a fully-fledged EU Agency with the means and mandate necessary to assist Member States in crisis situations, but also to provide the necessary operational and technical assistance to Member States, to be able to reinforce and complement the asylum and reception systems of Member State, including supporting a sustainable and fair distribution of applications for international protection, monitoring and assessing the implementation of the CEAS and enabling. It is more generally important to provide the Agency with a mandate that corresponds to the overall aim of strengthening the CEAS. Further, given that the Regulation on the European Border and Coast Guard Agency will enter into force soon, the rapporteur believes that an equally strong and operational Asylum Agency is crucial in managing the current crisis.

The rapporteur welcomes and supports the Commission's proposal which aims at significantly increasing the role of EASO in practical cooperation, information exchange on asylum, in ensuring greater convergence of the CEAS, in promoting international and union law and operational standards on asylum, in monitoring and assessing the implementation of the CEAS and in providing increased operational and technical assistance to Member States.

The rapporteur supports the view that new operational capacity of the Agency is very crucial. The Agency should have technical, financial and human resources that are appropriate for its new tasks, notably the current challenges of immigration flows in Europe, and made available in an efficient way. This capacity should be based on the contribution of Member States.

The rapporteur stresses the importance of cooperation between the Agency and other European bodies and agencies, especially the European Border and Coast Guard Agency both strategically, operationally and technically. On top of this, the rapporteur proposes a stronger relationship between the Agency and UNHCR and is of the opinion that such cooperation would be very beneficial. Strengthening the relationship between the Agency and non-governmental organisations, including associations of judges is also proposed.

The rapporteur believes that training is one of the most important tasks of the Agency. The rapporteur proposes to widen the scope of trainings offered by the Agency and make it more flexible and adaptable to current needs. Hence, the Management Board is given the possibility to introduce new topics.

The rapporteur welcomes the Agency's role in monitoring Member States compliance with all aspects of CEAS. The rapporteur believes that all Member States have to be monitored once every 5 years in all aspects of CEAS. This can also be seen as a preventive measure, since deficiencies can be detected and rectified in a timely matter. The result of these assessments would also provide a clear picture on the overall functioning of CEAS.

Besides this general assessment, the rapporteur believes there is a need for the possibility of an assessment/monitoring to be decided on an annual basis. It is proposed that such assessment is to be linked with the information analysis prepared by the Agency in accordance with Article 4. The annual assessment could be carried out in one or more Member States, depending on the abovementioned information analysis carried out by the Agency.

The Commission proposed to allow the Agency to initiate a monitoring exercise on its own initiative or at the request of the Commission. The rapporteur supports this idea, but such monitoring should only be carried out in specific cases, where events in any of the Member States give rise to serious concerns regarding the functioning of any aspects of that Member States' asylum system and may put the functioning of the CEAS in jeopardy if not handled in

a timely manner.

The rapporteur proposes the Agency to draw up a fundamental rights strategy prepared by the fundamental rights officer, who would also be in charge of the complaint mechanism.

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

*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 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

*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

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.

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 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.

*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 *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>

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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

*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).

*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**



towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.

*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 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.

##### *Amendment*

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

##### *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.

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

*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 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.

*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, 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.

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

##### *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

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.

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

#### *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

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.

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 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 States is responsible may be an

#### *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. ***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

indication of disproportionate pressure.

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

#### *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 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

#### *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*

framework of working arrangements concluded in accordance with Union law and policy. Those working arrangements should receive the Commission's prior approval.

**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 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.

##### *Amendment*

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

##### *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 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.

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

#### *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

persons shall always being taken into account.

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 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*

(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 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,*

#### *Amendment*

*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.*

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<sup>12</sup> OJ C 373, 20.12.2013, p. 1.

## **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*

*Amendment*

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

(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*

*Amendment*

(c) support Member States in implementing the CEAS;

(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*

*Amendment*

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

(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***

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

*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 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, 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.

*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 ***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 issues specific to countries of origin.

*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 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.

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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

*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).

*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.

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 removed from that list.

*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 '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*

*Amendment*

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.

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*

*Amendment*

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

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

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.

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 UN 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 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.

##### *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 *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 of beneficiaries of international protection within the Union;

*Amendment*

(g) assist with the relocation or transfer 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

*Amendment*

7. Member States shall ensure that the experts that they contribute match the profiles and numbers ***requested*** 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.

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

*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 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*

*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 **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.

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*

*Amendment*

1. The Agency may take all necessary measures to facilitate the exchange of

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.

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 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.

#### *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 *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*

#### *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

*measures, and* where *it* may contribute to improving cooperation and the exchange of best practices.

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 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*

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 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)

*Text proposed by the Commission*

*Amendment*

#### **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. 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).

### *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).

## 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><br>Date announced in plenary       | LIBE<br>7.7.2016  |
| <b>Opinion by</b><br>Date announced in plenary                  | AFET<br>7.7.2016  |
| <b>Rapporteur</b><br>Date appointed                             | Ramona Nicole Mănescu<br>12.7.2016  |
| <b>Date adopted</b>   | 29.11.2016  |
| <b>Result of final vote</b>                                     | +: 43<br>–: 7<br>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 Eptideios, 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   |

12.10.2016

## **OPINION OF THE COMMITTEE ON BUDGETS**

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)0271 – C8-0174/2016 – 2016/0131(COD))

Rapporteur: Jens Geier

### **SHORT JUSTIFICATION**

The Commission proposed the present Regulation within a larger package of reforms of the Common European Asylum System, also comprising proposals to reform the Dublin and Eurodac systems. On a larger scale the present proposal is a follow-up on the European Agenda on Migration, agreed last year.

The Rapporteur considers it important to note that the proposed upgrading of the European Asylum Support Office to a fully-fledged EU Agency for Asylum is a necessary complement to the Border and Coast Guard package already adopted. In order to avoid that the current challenge of the arrival of unprecedented numbers of migrants seeking refuge in Europe leading to a solely restrictive approach, it is vital to strengthen the protection aspect in a parallel process to meet the human rights standards enshrined in the Treaties and the Charter of Fundamental Rights.

In a European Union with open borders within the union, the external borders become a common interest to all Member States. Questions of borders and asylum logically need a joint European response. The European Added Value is rarely so obvious than in these cases and the Rapporteur therefore supports more European engagement in this field. Financing these tasks from the Union budget is also a question of solidarity as citizens from all Member States profit from open borders, while only few Member States actually have to deal with the task of securing borders and dealing with the reception of migrants.

The Rapporteur underlines however that the EU budget is ill-equipped to deal with these new challenges as Heading 3 is by far the smallest heading within the multiannual financial framework (MFF). The Rapporteur therefore believes that it is imperative to revise the current MFF upward as soon as possible and to considerably increase the ceiling of Heading 3.

The budgetary implications of the present proposal amount to EUR 363,963 million for the period 2017-2020. In parallel to the appropriations, the staffing numbers are set to increase to a total of 500 in 2020. While the Rapporteurs agrees to the proposed financial statement, it should nevertheless be considered as a rather indicative planning as the number of arriving migrants are unpredictable, given the volatile security environment in the European neighbourhood and beyond. The budgetary authority needs to stand ready to adapt this planning should additional needs arise.

## AMENDMENTS

The Committee on Budgets 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 3

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

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

##### *Amendment*

(3) In its Communication of 6 April 2016, the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member States responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the asylum system ***by adopting a new Regulation establishing a single common European asylum system, a new Regulation on the conditions that must be met by asylum seekers and through targeted amendments to the Directive on reception conditions***, and to prevent secondary movements, and develop an enhanced mandate for the European Asylum Support Office. That Communication is in line with calls by the European Council on 18 February 2016 to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.

## Amendment 2

### 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 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.

*Amendment*

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

## Amendment 3

### Proposal for a regulation

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) The European Union Agency for Asylum should be given sufficient financial resources and staff to guarantee that it is independent and can carry out its duties properly, including, specifically, the Agency's own staff to set up teams of experts responsible for evaluating and monitoring procedures for asylum and reception systems.***

### *Justification*

*There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.*

## **Amendment 4**

### **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>.

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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*

(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 **and Union agencies, in particular the European Border and Coast Guard**. 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).

### *Justification*

*Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.*

## Amendment 5

### 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 6

### Proposal for a regulation

#### Recital 26 a (new)

*Text proposed by the Commission*

*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, 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 ***and forward it to the European Parliament and the Commission***. 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.

***(26a) Everything possible should be done to guarantee refugees a humane***



*living environment within Member States and refugee camps, particularly with regard to healthcare, the opportunity to receive an education, and to facilitate the opportunity to work.*

## **Amendment 7**

### **Proposal for a regulation Recital 26 b (new)**

*Text proposed by the Commission*

*Amendment*

*(26b) Optimal financing of refugee camps and resource allocation should be followed, so that displaced persons are guaranteed the opportunity to continue living with dignity.*

## **Amendment 8**

### **Proposal for a regulation Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

*(30a) It is important that Member States continue to contribute financially and by other means to an effective resolution of the refugee crisis.*

## **Amendment 9**

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

*Text proposed by the Commission*

*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

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 *and the relevant Union agencies, in particular the European Border and Coast Guard*. The Agency shall carry out its duties without

those bodies and with the United Nations High Commissioner for Refugees (UNHCR).

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).

#### *Justification*

*Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.*

### **Amendment 10**

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

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

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

For this purpose, the Agency shall work in close collaboration with the European ***Agency for the Management of Operational Cooperation at the External Borders of the Member States***, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

##### *Amendment*

For this purpose, the Agency shall work in close collaboration with the European ***Border and Coast Guard***, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

### **Amendment 11**

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

#### **Article 9 – paragraph 2 a (new)**

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

##### *Amendment*

***2a. While complying with the principle of subsidiarity, the Agency shall standardise the work being done in Member States, with a view to creating a European information network that ensures that the systems of the relevant authorities of the Member States have equivalent common standards.***

## Amendment 12

### 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 Agency shall, ***on its own initiative or, in any event,*** 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 13

### 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, ***on its own initiative, or, in any event,*** at the request of ***the Commission or*** 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 14

### Proposal for a regulation

#### Article 13 – paragraph 3

*Text proposed by the Commission*

3. The Agency shall assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate

*Amendment*

3. The Agency shall, ***in close collaboration with the European Border and Coast Guard,*** assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for

pressure and shall assist Member States to prepare and review their contingency planning, where necessary.

measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, where necessary.

#### *Justification*

*Under Article 4(2) of this Regulation, the Agency shall work in close cooperation with the European Border and Coast Guard and, specifically, shall rely upon a risk analysis carried out by the latter in order to ensure the greatest possible consistency.*

### **Amendment 15**

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

#### **Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. In order to carry out its task of monitoring and evaluating the implementation of the Common European Asylum System and the Member States' asylum and reception systems in an effective, impartial and independent manner, the Agency shall have an appropriate number of permanent and temporary staff and adequate financial resources.***

#### *Justification*

*The task of monitoring and evaluating the CEAS should not be carried out by seconded experts, but by the Agency's own staff, trained for that purpose. There is a plan to bring the Agency's staff up to a total of 500 by 2020. However, since the establishment plan cannot be incorporated into the regulation, it should be ensured that the Agency will have enough staff of its own to effectively carry out its duties and guarantee its impartiality.*

### **Amendment 16**

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

#### **Article 14 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The multi-annual programming shall list the Member States whose asylum and

The multi-annual programming shall list the Member States whose asylum and

reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every *five-year* period.

reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every *two-year* period.

#### *Justification*

*It seems more reasonable to us for each Member State to be evaluated at least every two years by the Agency. A five-year period between each evaluation is excessive.*

### **Amendment 17**

#### **Proposal for a regulation Article 14 – paragraph 3**

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

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the Commission.

##### *Amendment*

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the ***European Parliament and the Commission.***

### **Amendment 18**

#### **Proposal for a regulation Article 16 – paragraph 1**

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

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure.

##### *Amendment*

1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure. ***The Agency shall lay down the common criteria for defining such pressure.***

## Amendment 19

### 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, for a limited period of time, ***decided on by the Agency***, one or more of following operational and technical measures:

## Amendment 20

### 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 child rights and child protection safeguards are in place, ***and that all women's rights are respected***;

## Amendment 21

### Proposal for a regulation

#### Article 20 – paragraph 4

*Text proposed by the Commission*

4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.

*Amendment*

4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken, ***but no later than two weeks from the date of receipt of the assistance request***.

## Amendment 22

### Proposal for a regulation

#### Article 28 – paragraph 2

*Text proposed by the Commission*

2. The Management Board shall establish detailed rules and update them as necessary as regards the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams.

*Amendment*

2. The Management Board shall establish detailed rules and update them as necessary as regards *fees and* the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams.

**Amendment 23**

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

*Text proposed by the Commission*

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European Agency *for the Management of Operational Cooperation at the External Borders of the Member States* and which are competent in matters covered by this Regulation.

*Amendment*

1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European *Border and Coast Guard* Agency and which are competent in matters covered by this Regulation.

**Amendment 24**

**Proposal for a regulation  
Article 36 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Where appropriate, the sharing or pooling of administrative tasks between these bodies should be envisaged.*

**Amendment 25**

**Proposal for a regulation  
Article 52 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.

*Amendment*

By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors. ***That report shall provide details of expenditure for each of the individual tasks listed in Article 2.***

**Amendment 26**

**Proposal for a regulation**

**Article 66 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall ***commission*** an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.

*Amendment*

No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall ***present*** an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.

*Justification*

*There is no need to define in the regulation whether the Commission commissions a study in the sense of outsourcing to a third party or to do the evaluation in-house.*



## 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><br>Date announced in plenary       | LIBE<br>7.7.2016   |
| <b>Opinion by</b><br>Date announced in plenary                  | BUDG<br>7.7.2016   |
| <b>Rapporteur</b><br>Date appointed                             | Jens Geier<br>23.5.2016  |
| <b>Date adopted</b>   | 11.10.2016   |
| <b>Result of final vote</b>                                     | +: 27<br>–: 7<br>0: 0  |
| <b>Members present for the final vote</b>                       | Nedzhmi Ali, Jonathan Arnott, Jean Arthuis, Richard Ashworth, Reimer Böge, Lefteris Christoforou, Jean-Paul Denanot, Gérard Deprez, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Esteban González Pons, Ingeborg Gräßle, Iris Hoffmann, Monika Hohlmeier, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Ernest Maragall, Siegfried Mureşan, Jan Olbrycht, Urmas Paet, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti, Auke Zijlstra |
| <b>Substitutes present for the final vote</b>                   | Afzal Khan, Derek Vaughan  |
| <b>Substitutes under Rule 200(2) present for the final vote</b> | Edouard Ferrand  |

## PROCEDURE – COMMITTEE RESPONSIBLE

|   |  |                  |                  |           |
|---|--|------------------|------------------|-----------|
| <b>Title</b>  | European Union Agency for Asylum   |                  |                  |           |
| <b>References</b>   | COM(2016)0271 – C8-0174/2016 – 2016/0131(COD)  |                  |                  |           |
| <b>Date submitted to Parliament</b>                               | 4.5.2016   |                  |                  |           |
| <b>Committee responsible</b><br>Date announced in plenary         | LIBE<br>7.7.2016   |                  |                  |           |
| <b>Committees asked for opinions</b><br>Date announced in plenary | AFET<br>7.7.2016   | DEVE<br>7.7.2016 | BUDG<br>7.7.2016 |           |
| <b>Not delivering opinions</b><br>Date of decision                | DEVE<br>24.5.2016  |                  |                  |           |
| <b>Rapporteurs</b><br>Date appointed                              | Péter<br>Niedermüller<br>23.5.2016   |                  |                  |           |
| <b>Discussed in committee</b>                                     | 26.5.2016  | 26.9.2016        | 24.11.2016       | 8.12.2016 |
| <b>Date adopted</b>   | 8.12.2016  |                  |                  |           |
| <b>Result of final vote</b>                                       | + : 36<br>- : 9<br>0 : 6   |                  |                  |           |
| <b>Members present for the final vote</b>                         | Jan Philipp Albrecht, Heinz K. Becker, Malin Björk, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Filiz Hyusmenova, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Claude Moraes, József Nagy, Péter Niedermüller, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Harald Vilimsky, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský |                  |                  |           |
| <b>Substitutes present for the final vote</b>                     | Marina Albiol Guzmán, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Daniel Dalton, Maria Grapini, Marek Jurek, Jean Lambert, Jeroen Lenaers, Angelika Mlinar, Morten Helveg Petersen, Salvatore Domenico Pogliese, Christine Revault D'Allonnes Bonnefoy   |                  |                  |           |
| <b>Substitutes under Rule 200(2) present for the final vote</b>   | Karoline Graswander-Hainz, Esther Herranz García, Sabine Lösing  |                  |                  |           |
| <b>Date tabled</b>  | 21.12.2016   |                  |                  |           |

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 36        | +   |
|-----------|---|
| ALDE      | Nathalie Griesbeck, Filiz Hyusmenova, Angelika Mlinar, Morten Helveg Petersen, Cecilia Wikström   |
| PPE       | Heinz K. Becker, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Agustín Díaz de Mera García Consuegra, Frank Engel, Esther Herranz García, Monika Hohlmeier, Barbara Kudrycka, Jeroen Lenaers, József Nagy, Salvatore Domenico Pogliese, Csaba Sógor, Traian Ungureanu, Tomáš Zdechovský |
| S&D       | Caterina Chinnici, Tanja Fajon, Ana Gomes, Maria Grapini, Karoline Graswander-Hainz, Sylvie Guillaume, Cécile Kashetu Kyenge, Marju Lauristin, Claude Moraes, Péter Niedermüller, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel, Josef Weidenholzer                                    |
| Verts/ALE | Jan Philipp Albrecht, Jean Lambert, Bodil Valero  |
| 9         | -   |
| ECR       | Daniel Dalton, Jussi Halla-aho, Marek Jurek, Helga Stevens, Branislav Škripek   |
| EFDD      | Kristina Winberg  |
| ENF       | Lorenzo Fontana, Harald Vilimsky  |
| NI        | Udo Voigt   |
| 6         | 0   |
| EFDD      | Ignazio Corrao, Laura Ferrara   |
| GUE/NGL   | Marina Albiol Guzmán, Malin Björk, Cornelia Ernst, Sabine Lösing  |

### Key to symbols:

+ : in favour

- : against

0 : abstention