**Amendments to the**

**Proposal for a Regulation on the European Agency for Asylum and repealing Regulation (EU) No. 439/2010**

**Proposal 2016/0131 (COD)**

# Proposals to Art. 2 (1) lit. (h);

## Proposal by Finland (main submitter), Czech Republic, Croatia, Hungary, Poland, Ireland, UK, Romania to Art. 2 (1) lit. (h);

## *~~Change as following:~~*

~~"on request of and in cooperation with a Member State assist with the relocation or transfer of beneficiaries of international protection within the Union. The European Agency for Asylum will refrain from imposing any potential mandatory redistribution key or so called fairness mechanisms in the future;"~~

## Proposal by The Netherlands to Art. 2 (1) lit. (h);

*~~Change as following:~~*

~~"on request of and in cooperation with a Member State assist with the relocation or transfer of beneficiaries of international protection within the Union;"~~

# [Enacted] Proposal by Greece (main submitter), Malta, Portugal, France, Belgium, Germany, Italy, Cyprus, Sweden, Luxemburg, Spain, Austria to Art. 2 (1) lit. (l);

*Add after" [...]reception systems of the Member States;":*

"[...]; and, where necessary, impose measures on member states that repeatedly fail to execute the Agency's requirements; "

# Proposal by UK (main submitter), Romania, Croatia, Hungary, Poland, Czech Republic, Finland, Ireland;

*~~Change as following:~~*

~~"The agency may engage on its own initiative in communication activities within its mandate limited to Paragraph 1 lit. a-l;"~~

# Proposal by Ireland to Art. 7 (1);

*~~Add the following~~*~~:~~

~~"[...] participation in training is with respect to national systems and procedures;"~~

# Proposal by Poland (main submitter), Hungary to Art. 32 (1);

*~~Insert the following between "[...]gender[...]" and "[...]nationality[...]":~~*

~~"[...]religion[...]"~~

# [Enacted] Proposal by France (main submitter), Czech Republic concerning Introduction of Art. 5a, Alteration of Art. 32;

*Introduction* *of new Article, Art. 5a:*

**Art. 5a: Record of previous convictions**

1. The Agency shall establish a database which shall include record of previous convictions of refugee seekers in the European Union.

2. The data is to be deleted when this information is deleted according to the law of the country where the crime was committed.

3. The database is available for all competent authorities of the Union and Member States.

4. The limitations of Art. 32 (3) do not apply.

*Inserted in Art. 32 (1) after "[...]education[...]":*

"the criminal history in accordance to Art. 5a"

*Inserted as Art. 32 (2) lit. (h):*

"where it is necessary for the purpose of Art. 5a"

# [Enacted] Proposal by Greece, UK, Finland, Romania, Cyprus, Poland, Hungary, Malta to Art. 35 (2);

*Change "shall inform the European Parliament" to*

"shall consult the European Parliament"

*Amend after "in accordance with Union law and policy":*

"[...] in accordance with Union law and policy and with respect to national foreign interests;"

# Proposal by Germany to Art. 35 (4);

*~~Strike out "and show solidarity with their host countries"~~*

*~~New clause:~~*

~~"[...]so as to meet the international protection needs of refugees in third countries.[...]"~~

# [Enacted] Proposal by the Netherlands to Art. 13 (1);

*New Clause will read as following:*

“ (…) and reception systems’ capabilities”

# Proposal by Hungary (main submitter) to Art. 13 (1) lit. (a);

*~~Change as following:~~*

~~“…and quality of protection afforded shall be set for every member state individually according to their economic power with respect to fundamental human; rights.”~~

# Proposals for the introduction of Art. 13 (4)

## Proposal by the UK

*~~Add Paragraph 4:~~*

~~"Every Member State has the right to object to the monitoring of the Agency pursuant to Art. 13 (1)-(3)."~~

## Proposal by Finland

*~~Add Paragraph 4:~~*

~~"Every number state has the right to object to the monitoring of the Agency pursuant to Art. 13 (1)-(3). The option to opt out will be denied, if serious concerns regarding the situation in a Member State justify mandatory monitoring. This will be decided by the Management Board by a 2/3 majority."~~

# [Enacted] Proposal by Austria to Art. 14;

*Add Paragraph 7:*

"The delegation of monitoring and assessment competencies to the Agency does not touch the competence of the Commission to oversee the application of Union Law as set out in Art. 17 (1) of the Treaty on the European Union."

# [Enacted] Proposal by Greece (main submitter), France, Malta, Germany, Sweden, Austria, Italy, Luxemburg, Cyprus, Portugal, Spain to introduce Art. 15a

*Add Art. 15a:*

Art. 15a - Measures to facilitate Monitoring

1. In accordance with the task set in Art. 2 (1) lit. l the Agency is given the power to, where necessary, impose measures on Member States who repeatedly fail to comply with the Agency's requirements.

2. Measures should only be taken in close cooperation with the European Commission.

3. Measures include:

a. strongly encouraging the above mentioned Member States to apply for technical and/or financial support by the Agency in order to fulfil its requirements;

b. granting the Agency direct access into the Member States' administration concerned with the subject of this regulation in order to neutrally assess the internal proceedings;

c. and, as a last resort, propose the European Commission to further investigate the Member State's failure to comply with Union Law;

4. The Agency shall refrain from imposing the above mentioned measures if the state is temporarily suffering from a disproportional impact.

5. Any measure has to find a 2/3 majority in the Management Board of the Agency.

# Proposal by the Netherlands to Art.40 (1);

*~~Add after "The Management Board shall":~~*

~~"[...] on its own initiative:"~~

# Proposal by France to Art. 39 (1);

*~~delete "and two representatives of the Commission" from Art. 39 (1)~~*

*~~and~~*

*~~add "as well as two representatives of the Commission" between "UNHCR" and "without the right to vote"~~*

# Proposal by France to Art. 39 (2);

*~~add after "UNHCR": "as well as two representatives of the European Parliament."~~*

# [Enacted] Proposal by France (main submitter), Portugal, Austria to Art. 45 (2), (3);

"The Commission shall propose a list of candidates to the Management Board from which the Management Board chooses a candidate to be proposed to the European Parliament, following up on open and transparent selection process. The proposed candidate shall make a statement before the competent committee of the European Parliament and answer questions expressed by its members. He shall be appointed by the Management Board only if the said Committee approves this appointment with the plurality of votes. The Executive Director shall be chosen 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."

# [Enacted] Proposal by France (main-submitter), Romania, UK, Sweden, Cyprus et. al. to Art. 26(1)-(5);

*replace Art. 26(1)-(5) with:*

"Where experts of an asylum support team or from the asylum intervention pool are operating in a host Member State, the Union shall be liable as laid down in Art. 340(2) of the Treaty on the Functioning of the European Union as if the said experts acted as servants of the European Union."

# [Enacted] Proposal by Portugal (main-submitter), Hungary, Spain to Art. 18(1);

*add to Art. 18 (1):*

"[...], how many persons exactly each country has to provide, shall be decided in consideration of their capacities."

# Proposal by Poland (main-submitter), Hungary to Art. 16 (3), introducing Art. 13 (4);

*~~start Article 16(3) with:~~*

~~"With the consent of the affected Member State(s), ..."~~

*~~add Article 16(4):~~*

~~"In cases of Art. 22(3) the rules of consent laid out in Paragraph (3) do not apply."~~

# Proposal by Croatia to Art. 22(1)

*~~delete:~~*

~~"on its own initiative"~~

*~~add:~~*

~~"The Agency shall at the request and in cooperation with the Member State concerned organise and coordinate ..."~~

# Proposal by Croatia to Art. 22(3)

*~~delete Art. 22(3)~~*