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NOTE

From:	Presidency
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (First reading)

At its meeting on 4 April, the Asylum Working Party examined compromise proposals suggested by the Presidency on the proposal for a Union Resettlement Framework.

The text of the proposal in Annex contains modifications suggested by the Presidency except for the recitals (placed in square brackets, to be discussed at a later stage).

Suggested modifications are indicated as follows:

- new text compared to the Commission proposal is in **bold**;
- new text compared to the previous version of this document is in **bold underlined**;
- deleted text is marked with [...].

Comments made by delegations on the Commission proposal text and on the Presidency compromise proposals, orally and in writing, **as well as explanations given by the Presidency, appear in the footnotes of the Annex.**

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a Union Resettlement and Humanitarian Admission Framework and amending
Regulation (EU) No 516/2014 of the European Parliament and the Council¹**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) and (g) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

¹ **AT:** reservation on the proposal. **BG, CZ, ES, FI, HU, IE, PL, SE, SI, SK:** scrutiny reservation on the proposal. **HU, SI:** parliamentary reservation

² OJ C , , p. .

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- [(1) The Justice and Home Affairs Council Conclusions of 10 October 2014 acknowledged that "while taking into account the efforts carried out by Member States affected by migratory flows, all Member States should give their contribution to [resettlement] in a fair and balanced manner."⁴
- (2) In its Communication on a European Agenda on Migration⁵ of 13 May 2015 the Commission set out the need for a common approach to granting protection to displaced persons in need of protection through resettlement.
- (3) On 8 June 2015 the Commission addressed a Recommendation on a European Resettlement Scheme⁶ to the Member States, based on an equitable distribution key. It was followed by Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 to resettle, through multilateral and national schemes, 22 504 persons in clear need of international protection⁷. The resettlement places were distributed between Member States and Dublin Associated States according to the commitments set out in the Annex to the Conclusions.

³ OJ C , , p. .

⁴ Council Conclusions on "Taking action to better manage migratory flows", Justice and Home Affairs Council meeting, 10 October 2014.

⁵ COM(2015) 240 final.

⁶ C(2015) 3560 final.

⁷ 11097/15.

- (4) On 15 December 2015, the Commission addressed a Recommendation for a Voluntary Humanitarian Admission Scheme with Turkey⁸ to the Member States and Associated States recommending that participating States admit persons displaced by the conflict in Syria who are in need of international protection. According to the EU-Turkey Statement of 18 March 2016 a Voluntary Humanitarian Admission Scheme will be activated once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced. Member States will contribute on a voluntary basis to this scheme.
- (5) According to the EU-Turkey Statement of 18 March 2016 all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 would be returned to Turkey. For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the Union taking into account the United Nations Vulnerability Criteria. In May 2016, the Member States and Dublin Associated States and Turkey reached a common understanding on Standard Operating Procedures guiding the implementation of this resettlement scheme.
- (6) On 6 April 2016, the Commission adopted a Communication Towards a Reform of the Common European Asylum System and enhancing legal avenues to Europe⁹ in which it announced it would set out a proposal for a structured resettlement system framing the Union's policy on resettlement and providing a common approach to safe and legal arrival in the Union for persons in need of international protection.
- (7) On 12 April 2016, the European Parliament adopted a resolution on the Situation in the Mediterranean and the need for a holistic EU approach to Migration¹⁰ underlining the need for a permanent Union-wide resettlement programme, providing resettlement for a meaningful number of refugees, having regard to the overall number of refugees seeking protection in the Union.

⁸ C(2015) 9490.

⁹ COM(2016) 197 final.

¹⁰ 2015/2095(INI).

- (8) Building on the existing initiatives, a stable and reliable Union Resettlement Framework should be established for the resettlement of persons in need of international protection to be implemented in accordance with annual Union resettlement plans and targeted Union resettlement schemes which effectively deliver on Member States' concrete commitments.
- (9) Such a framework is a necessary part of a well-managed migration policy to reduce divergences among national resettlement practices and procedures, provide for the legal and safe arrival to the territory of the Member States of third-country nationals and stateless persons in need of international protection, help reduce the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States and thereby reducing the pressure of spontaneous arrivals on the Member States' asylum systems, be an expression of solidarity with countries in regions to which or within which a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, help achieve Union's foreign policy objectives by increasing the Union's leverage vis-à-vis third countries, and effectively contribute to global resettlement initiatives through speaking with one voice in international fora and with third countries.
- (10) In order to help reduce the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States, show solidarity with countries in regions to which or within which a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, and help achieve the Union's foreign policy objectives, the regions or third countries from which resettlement is to occur should fit in a tailored engagement with third countries to better manage migration as foreseen in the Commission's Communication of 7 June 2016 on Establishing a new Partnership Framework with third countries under the European Agenda on Migration¹¹.

¹¹ COM(2016) 377 final.

- (11) In order to reduce divergences among the national resettlement practices and procedures, common standard procedures and common eligibility criteria and exclusion grounds for the selection should be laid down, as well as a common protection status to be granted to resettled persons.
- (12) The common standard procedures should build on the existing resettlement experience and standards of the Member States, in particular the Standard Operating Procedures guiding the implementation of the resettlement scheme with Turkey set out in the EU-Turkey Statement of 18 March 2016. The Union Resettlement Framework should allow the use of two types of standard resettlement procedures.
- (13) Both types of procedure consist of the following stages: identification, registration, assessment and decision.
- (14) An ordinary procedure should be established allowing for a full assessment of the international protection needs of third-country nationals or stateless persons.
- (15) An expedited procedure should be established with the same level of security checks as in the ordinary procedure. However, in the expedited procedure, the assessment of the international protection needs of third-country nationals or stateless persons should be limited to an assessment of their eligibility for subsidiary protection without assessing their qualification for refugee status¹².
- (16) The resettlement procedure should be concluded as soon as possible in order to discourage persons in need of international protection **from**[...] **using** [...] irregular ways to enter the European Union to seek protection. At the same time it should ensure that Member States have sufficient time for a full and adequate examination of each case. The time-limits should correspond to what is necessary to make the different types of assessment foreseen for the ordinary and expedited procedure.

¹² **IT, NL:** delete recital.

- (17) Any personal data collected for the purpose of the resettlement procedure should be stored for a maximum period of five years from the date of resettlement. Given that third-country nationals or stateless persons who have already been resettled by one Member State or who during the last five years refused to resettle to a Member State should be excluded from resettlement to another Member State, that period should be considered a necessary period for the storage of personal details, including fingerprints and facial images¹³.
- (18) The choice of the resettlement procedure should be made for each targeted Union resettlement scheme. An expedited procedure might be warranted on humanitarian grounds or in case of urgent legal or physical protection needs.¹⁴
- (19) There is no subjective right to be resettled.
- (20) In order to allow for supplementing the rules which govern the procedure to be applied in targeted Union resettlement schemes, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to adapt the procedure to the circumstances in the third country from which resettlement takes place such as determining that third country's role in the procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.¹⁶

¹³ **CZ:** the storage period should be of 10 years which is compatible with the Eurodac Regulation.

¹⁴ **DE, IT, NL:** delete recital.

¹⁵ OJ L123, 12.05.2016, p. 1.

¹⁶ **DE, NL:** when merging articles 7 and 8 (or deleting art.8) this text should be deleted or at least amended accordingly.

- (21) In order to ensure uniform conditions for the implementation of the Union Resettlement Framework, implementing powers should be conferred on the Council for establishing the annual Union resettlement plan, fixing the maximum total number of persons to be resettled, the details about the participation of the Member States in the plan and their contributions to the total number of persons to be resettled, as well as overall geographical priorities.
- (22) These powers should be exercised on a proposal from the Commission on the maximum total number of persons to be resettled and overall geographical priorities. The Commission should make its proposal simultaneously with its proposal on the draft Union annual budget. The Council should aim to adopt the proposal within two months. The Commission and the Council should take into account the discussions within the High-Level Resettlement Committee.
- (23) In order to ensure uniform conditions for the implementation of the Union Resettlement Framework, the Commission should be empowered to establish targeted Union resettlement schemes laying down the precise number out of the total number of persons to be resettled and participation of the Member State, consistent with the annual Union Resettlement plan. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹⁷. The examination procedure should be used for establishing targeted Union resettlement schemes given that those schemes have substantial implications. The Commission should aim to establish targeted Union resettlement schemes as soon as possible after the adoption of the annual Union resettlement plan and whenever necessary during the period covered by the annual Union resettlement plan. The Commission should take into account the discussions within the High-Level Resettlement Committee.¹⁸

¹⁷ OJ L 55, 28.2.2011, p. 13.

¹⁸ **CZ:** replace "precise" with "maximum". **DE, NL:** when merging articles 7 and 8 (or deleting art.8) this text should be deleted or at least amended accordingly.

- (24) Each targeted Union resettlement scheme should determine which standard procedural rules should apply to its implementation. It should in addition set out local cooperation arrangements where and as appropriate to facilitate its implementation.¹⁹
- (25) Resettled persons should be granted international protection. Accordingly, the provisions on the content of international protection contained in the asylum acquis should apply as of the moment when resettled persons arrive on the territory of the Member States, including the rules to discourage secondary movement of beneficiaries of international protection.²⁰
- (26) In line with the Commission proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)²¹, in order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to a Member State should be added to the number of applications for international protection for the purpose of calculating the corrective allocation mechanism proposed by the Commission.

¹⁹ **DE, NL:** when merging articles 7 and 8 (or deleting art.8) this text should be deleted or at least amended accordingly.

²⁰ **NL:** important that this is stipulated in the entire document. Reservation: refugees benefiting from subsidiary protection status will be able to start proceedings to obtain a refugee status. Current CEAS proposals do not forbid resettled refugees to start an asylum procedure once in the receiving MS. This would go against and annihilate one of the biggest advantages of resettlement as such, which is that the entire procedure is passed through abroad and immediately upon arrival a permit is given and the resettled refugee can start his/her new life; without having to await lengthy (and costly) legal proceedings. This would make resettlement less appealing.

²¹ COM(2016) 270 final.

- (27) Given the expertise of UNHCR in facilitating the different forms of admission of persons in need of international protection from third countries, to which they have been displaced, to Member States willing to admit them, UNHCR should continue to play a key role in resettlement efforts conducted under the Union Resettlement Framework. In addition to UNHCR, other international actors such as the International Organisation for Migration (IOM) should be called upon to assist Member States in the implementation of the Union Resettlement Framework.
- (28) [The European Union Agency for Asylum] should assist Member States in the implementation of Union Resettlement Framework in accordance with its mandate.
- (29) A High-Level Resettlement Committee should be established to allow for broad consultations with all stakeholders on the implementation of the Union Resettlement Framework.
- (30) Resettlement efforts by the Member States under this Regulation should be supported by appropriate funding from the Union's budget. To enable a proper and sustainable functioning of the resettlement schemes amendments are necessary to Regulation (EU) No 516/2014 of the European Parliament and of the Council^{22 23}.

²² Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.05.2014, p. 168).

²³ **FR:** proposal: "Resettlement *and humanitarian admission* efforts by the Member States under this Regulation should be supported by appropriate funding from the Union's budget. To enable a proper and sustainable functioning of the resettlement *and humanitarian admission* schemes amendments are necessary to Regulation (EU) No 516/2014 of the European Parliament and of the Council."

- (31) This Regulation does not affect the ability of the Member States to adopt or implement national resettlement schemes, which do not jeopardise the attainment of the Union's objectives under this Regulation²⁴, for example where they contribute an additional number of resettlement places to targeted Union resettlement schemes established under this Regulation going beyond their contribution to the maximum number of persons to be resettled under the annual Union resettlement plan.²⁵
- (32) Complementarity with ongoing resettlement and humanitarian admission initiatives undertaken in the Union framework should be ensured.
- (33) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and should therefore be applied in a manner consistent with these rights and principles, including as regards the rights of the child, the right to respect for family life and the general principle of non-discrimination.
- (34) Any processing of personal data by the authorities of the Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council 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).

²⁴ **DE, FR:** propose deleting part of the sentence: "~~which do not jeopardise the attainment of the Union's objectives under this Regulation.~~ We believe this sentence is redundant, and misleading as national efforts could be deterred. Propose new wording: "for example where they contribute an additional number of resettlement places to ~~targeted~~ Union *plans for* resettlement schemes *and other forms of humanitarian admission* established under this Regulation going beyond their contribution to the maximum number of persons to be resettled under the annual Union resettlement plan."

²⁵ **CZ:** clarification required on the meaning of "which do not jeopardise the attainment of the Union's objectives". It should be clearly stated in the regulation what (and who) determines whether national resettlement schemes jeopardise the Union's objectives. **NL:** does "*which do not jeopardise the attainment of the Union's objectives*" suggest that MS would not be entirely free in their national resettlement efforts? Given that the main objective is to increase resettlement efforts in general, this would not be encouraging in that respect. Delete "*annual*".

- (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,²⁶ as well as [Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation)²⁷] and it should respect the principles of necessity and proportionality.
- (36) The application of this Regulation should be reviewed simultaneously with the review of Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund.
- (37) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation]

OR

- (37) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.]

OR

²⁶ 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).

²⁷ OJ L [...], [...], p. [...].

(37) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(37a) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...) its wish to take part in the adoption and application of this Regulation.]

OR

(37) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...) its wish to take part in the adoption and application of this Regulation.

(37a) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]

(38) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,]

HAVE ADOPTED THIS REGULATION:

Article 1
Subject matter²⁸

1. This Regulation:²⁹

²⁸ **AT:** A horizontal approach should be followed, including the articles in the other proposals that make a reference to resettlement, which should be voluntary. **BE:** supports AT on the horizontal approach (especially links with Eurodac). **FR:** modify text as follows: "This Regulation establishes a Union *Framework for Resettlement and other forms of humanitarian admission* of third-country nationals and stateless persons to the territory of the Member States with a view to granting them international protection". **FR, LV, RO, SI, SK:** resettlement should be voluntary.

²⁹ **DE:** supports the idea of a Union Resettlement Framework but the legal form (Regulation) is questionable. A Directive would be the appropriate legal form or enhanced cooperation (Art. 326 TFEU). Participation in the resettlement scheme is voluntary and pledges might presumably decrease if MS are too much constricted. In addition, well-functioning national resettlement programmes might be impeded if there is no funding for those in the future. DE advocates to fund also national programs (AMIF). **LT:** supports DE regarding the choice of a legal instrument. **HU:** the legal basis and the choice of instrument are not appropriate. **PRES:** as requested by Member States, the Presidency is proposing a clear differentiation between resettlement (in the traditional sense) and humanitarian admission. As a result all previous references to Union Resettlement Framework have now been replaced by Union Resettlement and Humanitarian Admission Framework.

- a) establishes a Union Resettlement **and Humanitarian Admission**³⁰ Framework for the admission of third-country nationals [...] **or** stateless persons to the territory of the Member States with a view to granting them international protection as **defined in Article 2 (1) of Regulation (EU) XXX/XXX [Qualification Regulation]** (“international protection”)³¹; and
- b) **lays down rules on the admission**³² [...] of third-country nationals [...] or stateless persons to the territory of the Member States for the purpose of implementing this Regulation. Admission shall take place through resettlement or humanitarian admission.
2. This [...] Regulation does not establish a right for third country nationals or stateless persons to be [...] admitted to the territory of the Member States [...]³³.
- 2a. This Regulation does not impose an obligation on Member States to admit an individual person.**

³⁰ **BG, EL, ES, FI, RO, SE:** scrutiny reservation. **IE:** reservation on the inclusion of "Humanitarian Admission" in all instances. It is a national competence and should be out of the scope. **CZ:** agrees on inclusion of "Humanitarian Admission" but the different procedures should be better defined throughout the text. **FR, BE:** in favour of differentiation between resettlement and humanitarian admission but not in favour of a common procedure for humanitarian admission.

³¹ **DE:** in favour of including also the national titles. Add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification regulation*".

³² **EL:** scrutiny reservation as to the use of the word "admission".

³³ **PRES:** Added text has been introduced to further clarify that there is no right to be admitted to the territory of the Member States.

2b. The indications made by the Member States in the High Level Resettlement and Humanitarian Admission Committee in relation to the details of their participation, and of their contribution to the maximum total number of persons to be admitted under the Union Resettlement and Humanitarian Admission Plan or under a Union Resettlement and Humanitarian Admission Scheme shall be voluntary³⁴.

Article 2

[...] **Definitions**³⁵

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

³⁴ **PRES:** A number of Member States asked for a separation of previous point 2 to further emphasize the voluntary nature of participation. Hence 2a and 2b have been included in the text.

³⁵ **AT, ES, PL:** reservation on the article; renumber the current para as (1) and add one more para as follows: *"(2) 'Resettled person' means a person subject to the process of resettlement whereby, on a request from the United Nations High Commissioner for Refugees ('UNHCR') based on a person's need for international protection, third-country nationals are transferred from a third country and established in a Member State where they are permitted to reside with one of the following statuses:*
(i) 'refugee status' within the meaning of point (e) of Article 2 of Directive 2011/95/EU;
(ii) 'subsidiary protection status' within the meaning of point (g) of Article 2 of Directive 2011/95/EU." Delete text in Art 2 (q) of Dublin Regulation and make reference to it here; this proposal is the right place to define the aspects of resettlement. **CZ, FR, SE, SK:** scrutiny reservation on the article. **NL:** suggest drafting as follows: *For the purposes of this Regulation, the following definitions apply: (a) 'resettlement' means, upon referral from the UNHCR the transfer of third country nationals and stateless persons in need of international protection from a third country to which they have been displaced to the territory of a Member State that has agreed to admit them, with a view to granting them a status provided in the Qualification Regulation or an equivalent status ;*
(b) 'humanitarian admission' means the admission of third-country nationals or stateless persons who are considered to be in need of international protection from a third country to which or within which they have been displaced; (c) 'emergency resettlement' means resettlement of individual emergency cases submitted by UNHCR to ensure security of refugees who are in immediate life-threatening situations."

- (1) 'resettlement'³⁶, means the admission, **following a referral from the United Nations High Commissioner for Refugees ('UNHCR')**³⁷, of third-country nationals or stateless persons in need of international protection **as defined by Article 2 (3) and (5) of Regulation (EU) XXX/XXX [Qualification Regulation]** [...] **who fall within at least one of the categories in Article 5 (1)(b), and who are not excluded from resettlement in accordance with Article 6,** from a third country to which [...] they have been **forcibly** displaced to the territory of the Member States [...] **and who are granted**³⁸ international protection³⁹.

³⁶ **IE:** reservation on the definition. **PRES:** In case of resettlement there must always be a referral from the UNHCR, Article 5(a) (i.e. need of international protection) and (b) (i.e. vulnerability or family member) are cumulative and must be fully assessed for the purpose of reaching a conclusion on resettlement.

³⁷ **SK:** reservation. Referral from the UNHCR shouldn't be compulsory.

³⁸ **CZ, SK:** better to keep "with a view to granting them" as in the original proposal.

³⁹ **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification regulation*".

- (2) 'humanitarian admission'⁴⁰ means the admission, following, where requested by the Member States, a referral from the UNHCR, [the European Union Agency for Asylum] or another relevant international body, of third-country nationals or stateless persons who are at least *prima facie*⁴¹ in need of international protection as defined by Article 2 (3) and (5) of Regulation (EU) XXX/XXX [Qualification Regulation], from a third country to which⁴² they have been forcibly displaced to the territory of the Member States and who are granted⁴³ international protection.⁴⁴
- (3) 'emergency admission⁴⁵ means the admission through resettlement or humanitarian admission of persons with urgent legal or physical protection needs or with immediate medical needs.

⁴⁰ **PRES:** for the purposes of humanitarian admission Member States may or may not rely on referrals. Where they rely on referrals, they may request UNHCR, EUAA, or another relevant international body to make the referral. With regards to the eligibility criteria Article 5(a) must, for the purpose of reaching a conclusion on resettlement, only be assessed on a *prima facie* basis, however a full assessment has to be made before deciding on the granting of international protection. Article 5(b) does NOT apply.

⁴¹ **BE:** current formulation is confusing. It seems that the assessment of humanitarian caseloads should be done before the admission which leads to problems of competences for our institutions, logistical problems and budgetary problems (protection proof in the AMIF framework. We would support not linking humanitarian admissions with international protection. **DE:** scrutiny reservation regarding "at least *prima facie*". **NL:** not clear what is meant by "*prima facie*" in this context and what form(s) this could take in practice.

⁴² **BE:** add "or within which". Would like to keep flexibility on having IDPs as part of humanitarian admissions.

⁴³ **CZ:** keep the same language as in point (1); "with a view to granting them".

⁴⁴ **BE:** Humanitarian admissions should be left to the discretion of Member States. Delete from "to the territory" until the end and add "*through national procedures and not being resettled within the meaning of this Regulation*". **SK:** scrutiny reservation. **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*".

⁴⁵ **PRES:** taking note of concerns raised by some Member States, the Presidency is proposing to add a definition of emergency admission.

Article 3

Union Resettlement and Humanitarian Admission Framework

[...]

[...] ⁴⁶

The Union Resettlement **and Humanitarian Admission** Framework shall: ⁴⁷

- a) provide for the legal and safe arrival of third-country nationals [...] **or** stateless persons in need of international protection to the territory of the Member States ⁴⁸;
- aa) **contribute to international resettlement and humanitarian admission** ⁴⁹ initiatives;
- ab) **contribute to alleviating the pressure on third countries in regions to which a large number of persons in need of international protection have been forcibly** ⁵⁰ **displaced;**

⁴⁶ *Moved to article 1. b)*

⁴⁷ **FR, NL:** delete "resettlement". Would welcome slightly more balance in the wording between the humanitarian protection element and the strategic use of this framework. Perhaps adding a first paragraph (a) "***provide for international protection and a solution to eligible third country nationals and stateless persons who cannot return to their country of origin nor integrate in the country to which they have been displaced***". This could stipulate the protection as well as the strategic element (relieving pressure in the region).

⁴⁸ **CZ, FR:** modify this sentence as follows: "provide for ***a durable solution, as well as*** a ~~the~~ legal and safe arrival, ~~for~~ ~~of~~ third-country nationals and stateless persons in need of international protection to the territory of the Member States".

⁴⁹ **PRES:** addition in line with differentiation between resettlement and humanitarian admission.

⁵⁰ **PRES:** the word "forcibly" has been added throughout the text to emphasize the fact that third country nationals or stateless persons to be admitted have been displaced for reasons that would lead to the granting of international protection.

- b) contribute, **in the long term**⁵¹, to [...] **reducing** the risk of a large-scale irregular inflow of third-country nationals [...] **or** stateless persons in need of international protection to the territory of the Member States.
- ba) [...]⁵²
- c) [...]⁵³

Article 4

Determination of regions or third countries from which resettlement or humanitarian admission is to occur⁵⁴

1. **In order to determine** [...] the regions or third countries from which resettlement **or humanitarian admission** shall occur [...], in accordance with the implementing acts referred to in Articles 7 and 8, the following factors shall be taken into consideration⁵⁵:
- a) **taking into account the UNHCR Projected Global Resettlement Needs**, the number of persons in need of international protection displaced to [...] a third country [...]⁵⁶;
- b) complementarity with financial and technical assistance provided to third countries to which [...] persons in need of international protection have been **forcibly** displaced;⁵⁷

⁵¹ **PRES:** as indicated by some Member States, the reduction of the risk of a large-scale irregular inflow of third-country nationals or stateless persons will be seen in the long term.

⁵² **PRES:** this was found to be problematic by a number of Member States, who questioned how this proposal will help reduce secondary movements. Therefore, this has been removed from this Article.

⁵³ **PRES:** this point has been moved to point (aa).

⁵⁴ **EL, FR, SE:** scrutiny reservation on the article.

⁵⁵ **BE:** it is not clear if the criteria for the definition of priority regions and countries also applies to national programmes (that are financed or not with AMIF). This should be clarified.

⁵⁶ **EL:** scrutiny reservation on the deletion in conjunction with the new point a) in para 2.

⁵⁷ **DE:** does this mean that the different types of support shall be provided as a package? Or does this mean that states which benefit from one might not benefit from another type of support? Maybe further initiatives - like the EIP - could also be considered.

- c) the Union's overall relations with the third country or countries from which resettlement **or humanitarian admission** occurs [...];⁵⁸ and
- ca) the scale and content of commitments to resettlement **or humanitarian admission** undertaken by third countries.⁵⁹
- d) [...]⁶⁰

2. In addition to the factors referred to in paragraph 1, the following factors may be taken into consideration:

- a) the risk of onward movement of persons in need of international protection from a region or third country to the territory of the Member States; [...]⁶¹
- b) a third country's effective cooperation with the Union in the area of migration and asylum, including:
 - (i) reducing the number of third-country nationals [...] **or** stateless persons irregularly crossing the border into the territory of the Member States coming from that third country;

⁵⁸ **DE, LU:** (comment also valid for letter (d)): supports the establishment of a foreign-policy agenda tool. But humanitarian aspects should play an appropriate role when it comes to resettlement. What if there are urgent resettlement needs in a third country which is not in line with those preconditions? What if a third country only fulfils a certain part of the requirements?

⁵⁹ **PRES:** this point was point (e) in COM original proposal.

⁶⁰ **EL:** scrutiny reservation on the moving point d). If the effective cooperation of the third country remains an optional factor, how and in which cases could this be considered?

PRES: this point has been moved to point (2b).

⁶¹ **EL:** scrutiny reservation. **PRES:** this point has been added as the risk of onward movement to the Union could also be taken into account when determining the regions or countries from which admission takes place.

- (ii) creating the conditions for the use of the first country of asylum and safe third country concepts for the return of asylum applicants who have irregularly crossed the border into the territory of the Member States coming from or having a connection with the third country concerned;⁶² **or**
 - (iii) **maintaining or** increasing the capacity for the reception and protection of persons in need of international protection staying in that country, including through the development of an effective asylum system; or⁶³
 - (iv) increasing the rate of readmission of third-country nationals [...] **or** stateless persons irregularly staying in the territory of the Member States such as through the conclusion and effective implementation of readmission agreements **and the effective and timely identification and issuance of travel documents [...]**⁶⁴.
- e) [...]

⁶² **BG:** scrutiny reservation; the purpose of this provision should be clarified - this could be more detailed in the recitals. **BE:** reservation related to APR.

⁶³ **FR** move this from (4) (d) (iii) to a new (4) (bb). Will read as follows: "**(bb) *the preservation or the increase of reception and protection capacities of third countries where persons in need of international protection have been displaced, in particular by setting up an efficient asylum system***".

⁶⁴ **PRES:** the last part of the sentence was deleted as already covered by the beginning of point (iv).

Article 5

Eligibility for Admission [...]⁶⁵

- (1) In case of resettlement, [...]** the following third-country nationals or stateless persons shall be eligible for [...] **a** Union [...] **Resettlement and Humanitarian Admission [...]** Scheme [...] established in accordance with Article 8⁶⁶:
- (a) (i) third-country nationals, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, are outside the country of nationality [...], and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country, or stateless persons, who, being outside of the country of former habitual residence [...] for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to [...] it; or, failing that,
- (ii) third-country nationals, who are outside the country of nationality [...], or stateless persons, who are outside of the country of former habitual residence [...], and in respect of whom substantial grounds have been shown for believing that they, if returned to [...] their country of origin or former habitual residence, would face a real risk of suffering serious harm **as defined in Article 16 of Regulation (EU) XXX/XXX (Qualification Regulation)**, and are unable, or, owing to such risk, [...] unwilling to avail themselves of the protection of that country; **and [...]**

⁶⁵ **FI, HU, PT, SE:** scrutiny reservation on the article. **FR, ES:** reservation on the article. **SI:** reservation, the cumulative nature of the criteria is not clear. **NL, FR:** suggest redrafting this article (see footnote 49 in a previous version of this doc. 5332/17).

⁶⁶ **CZ:** delete "established in accordance with Article 8".

- (ab) (i) [...] ⁶⁷
- (ii) [...]
- (b) third-country nationals [...] **or** stateless persons who fall within at least one of the following categories ⁶⁸:
- (i) vulnerable persons ⁶⁹:
- **persons with legal or physical protection needs;**
 - women and girls at risk;
 - **minors [...] ⁷⁰[...], including unaccompanied [...] minors;**
 - **survivors** of violence [...] or torture, including on the basis of gender; ⁷¹
 - [...] ⁷²

⁶⁷ **PRES:** reference to IDPs has been removed as found to be problematic by a considerable number of Member States.

⁶⁸ **CZ, LT:** make this part of letter (a) and redraft it as follows: "~~(b)~~ *Within* third-country nationals and stateless persons *mentioned above, preference shall be given to those* who fall within at least one of the following categories:" **LU, SE:** it is not clear how the various criteria relate to each other. This should be clarified redrafting as follows: "*(b) provided that they fall within at least one of the following categories:*". **ES:** letter (b) should be deleted, resettlement shouldn't be limited only to vulnerable groups.

⁶⁹ **IE:** there should be a provision to refuse a serious medical case on the basis that the treatment sought is not available in a particular country due to pressure of other such cases or cost. **FI:** the heading could be improved, e.g. by adding "persons at risk in the country of refuge" before the words "vulnerable persons".

⁷⁰ **PRES:** a number of Member States considered the term adolescents to be too vague. Therefore the Presidency is proposing to maintain only a reference to minors and unaccompanied minors since both terms are defined in Union law.

⁷¹ **FI:** redraft as follows; "*persons in risk of being survivors of...*".

⁷² *moved to 1st indent.*

- persons with medical needs, **in particular where life-saving treatment [...] is unavailable in the country to which they have been forcibly displaced; [...]**⁷³
- **persons with [...]** disabilities⁷⁴; or
- **persons who lack a foreseeable alternative durable solution**⁷⁵ ;
- [...]

(ii) **Without prejudice to Council Directive 2003/86/EC on the right to family reunification, or to national law concerning family reunification,** family members of **the following**⁷⁶ third-country nationals or stateless persons or of Union citizens **who are** legally residing in a Member State [...]:⁷⁷

- the spouse or unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to that of married couples under its law relating to third-country nationals or stateless persons;

⁷³ **PRES:** this is in line with the UNHCR Resettlement handbook (vide pg. 37)
⁷⁴ *new indent, split from the previous one.* **PL:** replace "disabilities" with "special needs resulting from disabilities".

⁷⁵ **PRES:** this was added since a number of Member States have asked to have an exact replica of the UNHCR resettlement submission categories (vide pg. 37 of UNHCR Resettlement handbook).

⁷⁶ **SK:** delete "the following" or place it before "family members" since it is confusing.

⁷⁷ **EL:** concerns regarding this subparagraph underlining the need for further clarification regarding the way that the resettlement framework and Directives 2004/38 / EC and 2003/86 / EC can complement each other. It is also noted that the definition of family members is not the same in all three points in 5 b (ii), i.e.

a) Family members of beneficiaries of international protection who reside in a MS

b) Family members of third-country nationals residing in a MS and

c) EU citizens' family members residing in another MS.

IE: scrutiny reservation on inclusion of family members of a TCN or stateless person or Union citizen residing in a Member State – this requires further consideration at national level. **PRES:** the proposed wording allows for Member States the possibility to apply this provision also to family members who would be entitled to family reunification under the Family Reunification Directive or national law.

- the minor children of couples referred to in the first indent or of third-country nationals or stateless persons to be resettled, on the condition that they are unmarried, regardless of whether they were born in or out of wedlock or adopted as defined under national law;
- the father, mother or another adult responsible for [...] **an** unmarried minor to be resettled, whether by law or by the practice of the Member State where the adult is present;⁷⁸
- the sibling or siblings of the third-country nationals or stateless persons to be resettled⁷⁹;
- **the child or parent on whom** third-country nationals or stateless persons to be resettled⁸⁰ [...] are dependent [...] for assistance as a result of pregnancy, a new-born child, serious illness, severe disability or old age.⁸¹ [...] **This applies** provided that family ties existed in the country of origin, that the child or parent is able to take care of the dependent person, and that the persons concerned expressed their desire in writing.⁸²

⁷⁸ **DE:** "whether by law or by the practice of the Member State where the adult is present" - does this relate to the adult responsible? **BG:** reservation, how can it be proved the adult is responsible?

⁷⁹ **CZ, SK:** redraft as follows: "the sibling or siblings *who are minors* of the third-country nationals or stateless persons to be resettled;"

⁸⁰ **NL:** suggests to replace "resettled" by "admitted".

⁸¹ **CZ:** what other categories are these? They seem to be covered by previous indents and should be deleted.

⁸² **DE:** "provided that family ties existed in the country of origin" - scrutiny reservation; "is able to take care of the dependant person" - what does this mean? financial care?; "the persons concerned" - is this the donor or the person to be resettled?; "desire" - whose desire? The desire of the donor to support the person to be resettled or the desire of the person to be resettled (to be indeed resettled)? **PRES:** the term "dependent for assistance" could include both physical and financial assistance. As explained on previous occasions, the term "persons concerned" refers to both the "*sponsor*" and the dependent person, both of whom need to give their consent in writing.

(c) [...] ⁸³

(d) [...] ⁸⁴

Member States shall, as far as possible ⁸⁵, ensure that family unity [...] is maintained between persons referred to in point (b)(ii).

1a. In case of humanitarian admission, third-country nationals or stateless persons shall be eligible for the Union Resettlement and Humanitarian Admission Scheme established in accordance with Article 8, where the eligibility criteria referred to in point (a) of paragraph 1 apply *prima facie*, and without having to fall within at least one of the categories referred to in point (b) of paragraph 1. ⁸⁶

Article 6

Grounds for exclusion from [...] admission ⁸⁷

1. The following third-country nationals or stateless persons shall be excluded from a [...] Union [...] **Resettlement and Humanitarian Admission** [...] Scheme [...] established in accordance with Article 8 ⁸⁸:

⁸³ moved to Article 6.

⁸⁴ moved to Article 6

⁸⁵ **PRES:** wording amended to cater for those limited scenarios where not all family members are in need of international protection.

⁸⁶ **PRES:** in order to further clarify the text and avoid unnecessary confusion, the Presidency is proposing to remove Article 10a, and place the derogations in the relevant Articles. The proposed wording also makes a clear distinction regarding which grounds are needed for eligibility in case of resettlement and humanitarian admission respectively.

⁸⁷ **AT:** reservation on the article. **FR, SE:** scrutiny reservation. **BE, ES, FI, SE, SK:** replace "exclusion" with "ineligibility" in the title. **FR, NL:** prefers "grounds for refusal". **PRES:** the suggested wording in the title makes it clear that we are referring to exclusion from resettlement. Thus, there is no risk of confusion with exclusion from international protection.

⁸⁸ **NL:** following redrafting is suggested: "The following third-country nationals or stateless persons shall be ~~excluded from~~ **ineligible for** targeted Union resettlement schemes established in accordance with Article 78:"

- (-a) persons falling within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees, unless the Member State examining the resettlement file ascertains that the persons concerned were forced to leave their area of operation due to a situation where their personal safety was at serious risk and such organs or agencies were unable to ensure their [...] living conditions in accordance with their mandate;**
- (-aa) persons recognised by the competent authorities of the country in which they have taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations;**
- (a) persons for whom there are reasonable grounds for considering⁸⁹ that:
 - (i) they have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (ii) they have committed a serious crime;
 - (iii) they have been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

This point also applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

⁸⁹ **NL:** concerned about the differing wording from the corresponding article in the Qualification Directive. **PRES:** since here we are referring to exclusion from admission and not from international protection we can apply a lower threshold (i.e. "reasonable grounds" instead of "serious reasons").

- (b) persons for whom there are reasonable grounds for considering that they are a danger to the community, public policy, security, public health or the international relations of the Member State examining the resettlement file.;

This also applies [...] when a [...] Member State [...] **which has [...]** required the Member State examining the [...] **admission**⁹⁰ file to [...] consult [...] **it [...]** during the examination in relation to specific third-country nationals or stateless persons, or specific categories of third-country nationals or stateless persons, [...] has objected to their [...] **admission** on [...] **the grounds referred to in this point**⁹¹;

- (c) persons for whom an alert has been issued in the Schengen Information System or in a national database of a Member State for the purposes of refusing entry;
- (d) persons who have irregularly stayed, irregularly entered, or attempted to irregularly enter the territory of the Member States during the five years prior to [...] **admission**;⁹²

⁹⁰ **NL:** suggest to use "referral file" or "referral case" instead of "admission file".

⁹¹ **PRES:** the wording is in line with the Visa Code. Regarding the proposal to change the wording from 'admission file' to 'referral file', it should be pointed out that, under the humanitarian admission, Member States have the option not to rely on any referrals. As a result, the Presidency would suggest keeping the reference to 'admission file'.

⁹² **BE:** in specific cases the situation may have changed and therefore, some flexibility should be introduced after assessment on a case by case basis. **EL:** scrutiny reservation on (d). **IT:** (d), (e) and (f) require a very close exchange of information between MS. How will this take place in practice? **LV** (supported by **EE, ES**): exchange of information is very important; the consultation between MS should be consultation under Visa Code or another type of consultation system? How will a MS know that another MS refused/resettled a person? **NL:** Member States should extract this information primarily from EURODAC. A reference to it would be advisable. At this stage the admission is not yet in order so better use the word "referral", or "the assessment of eligibility", or "consideration of eligibility. **SE:** if there will not be a possibility to reconsider cases within such a long time frame it may limit UNHCR's ability to find protection and solutions for refugees who are in most need. However, a five-year rule may be necessary in rejected cases due to security reasons, but not as a general rule.

- (e) persons **who have been granted international protection by Member States**⁹³ or who have already been [...] **admitted** by another Member State in the implementation of this Regulation, the Conclusions of the Representatives of the Governments of the Member States meeting within the Council 11097/15 of 20 July 2015, the EU-Turkey Statement of 18 March 2016, the Commission Recommendation C(2015) 9490 of 15 December 2015, or a national resettlement scheme **if that person was granted international protection**⁹⁴; [...]
- (f) persons whom Member States have during the last five years prior to [...] **admission** refused to [...] **admit**⁹⁵; in accordance with **points (a), (b), (c) and (e) of** this paragraph⁹⁶; **and**
- (g) [...] ⁹⁷
- (h) [...]

⁹³ **PRES:** to avoid confusion, the Presidency is proposing to amalgamate points (e) and (h). It should however be noted that point (e) is not completely covered by previous point (h) since under the SOPs of the EU – Turkey Statement and VHAS Member States have the possibility to grant a national status post-admission.

⁹⁴ **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*".

⁹⁵ **NL:** use "accept" instead of "admit".

⁹⁶ **FI:** should be deleted. In some cases the ground for refusal could be a lack of some rare medical equipment and although one MS had to refuse, another MS could well accept the case. **FR, IT, LV, SE:** period of five years is too long, as new circumstances may arise. **PRES:** point (f) should not be a "may" provision in those cases where admission was refused on the grounds of points (a), (b), (c), and (e), since here the reason not to admit would be based on security threats, serious exclusion clauses or a person who has already been granted international protection by another Member State.

⁹⁷ **PRES:** this point has been moved to 2 (b).

2. Third-country nationals or stateless persons may be excluded from [...] a Union [...] **Resettlement and Humanitarian Admission** [...] Scheme [...] established in accordance with Article 8, where:
- (a) one of the grounds for exclusion referred to in points (a) or (b) of paragraph 1 **of this Article** applies *prima facie* [...];⁹⁸
 - (b) **persons who during the last five years prior to admission have not given or have withdrawn their consent to be admitted to a particular Member State in accordance with Article 6a⁹⁹ [...] ; or**

⁹⁸ **AT** (supported by **BE, CZ, FI**): make this a "shall" clause. Add one more para as follows: *"(3) Third-country nationals or stateless persons may be excluded from targeted Union resettlement schemes established in accordance with Article 8, where there are other duly justified circumstances to be excluded from Resettlement to a Member State."* **DE**: replace "may" with "shall"; delete "established in accordance with Article 8". **NL** (supported by **FI, FR, SK**): replace "excluded" with "considered ineligible". Concerns with regard to (slightly) altering the wording/definitions of the existing CEAS acquis, because this inevitably raises questions and will cause uncertainty as to the interpretation. It is important to keep the wording absolutely clear and unequivocal. This is best done by either referring to the relevant articles of the QR (art.12 and 18), or copying the exact wording thereof. As far as this article is supposed to differentiate from the QR (less stringent) this should be explicitly mentioned and added in a separate phrase to the wording. It seems as though paragraph (2) partly overcomes this. **NL** also proposes to add before paragraph (2) the following sentence: *"In case of substantial exceptional individual circumstances or a significant change in the circumstances of an individual case Member States may deviate from invoking point (d) or (f)".* This allows for flexibility based in individual cases. Add the following para (3): *"Third-country nationals or stateless persons may be considered ineligible for resettlement or humanitarian admission on other reasonable grounds pertaining to the individual circumstances of the case. Participating States shall not be required to give the reasons for not accepting to resettle or admit a third country national or a stateless person on their territory."* (also supported by **BE, BG**).

⁹⁹ **LV**: scrutiny reservation. **PRES**: the five year period mentioned here is in line with the other time limits in the text and with the proposed data retention period in Eurodac. Moreover, being a "may" provision it is up to the Member State to decide whether to apply it or not.

(ba) persons who have committed one or more crimes outside the scope of point (a) of paragraph 1 which would be punishable by imprisonment had they been committed in the Member State examining the admission file¹⁰⁰.

(bb) persons in relation to whom there are clear indications that there is a lack of integration prospects in the Member State examining the admission file, provided that this is without discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation¹⁰¹.

Article 6a¹⁰²

Consent¹⁰³

The [...] **admission** procedure [...] laid down in Articles 10 [...] shall apply to third-country nationals or stateless persons who have given their consent to be [...] **admitted** and have not subsequently withdrawn their consent, including refusing [...] **admission** to a particular Member State.

¹⁰⁰ **PRES:** For the purposes of admission, Member States should be given the possibility to exclude persons who commit a crime in their country of origin, which even though not a serious crime might be punishable by imprisonment had it been committed in the Member State.

¹⁰¹ **PRES:** Member States should have the possibility to exclude persons in relation to whom there are clear indications that there is a lack of integration prospects.

¹⁰² **PRES:** this has been moved from Article 9 of the original COM proposal.

¹⁰³ **SK:** Consent should be broadened to include a consent of third-country nationals or stateless persons to actively participate in integration activities. This should be linked to Article 6, where a new para should be added to allow MS to reject resettlement for another well founded reasons, especially in cases where candidates insist that they will not integrate.

PRES: since the Presidency is proposing to remove Article 10a and instead put the derogations in the relevant articles, all references to Article 10a have been removed.

Failure to provide [...] the data or information essential¹⁰⁴ to conduct the procedures as laid down in Article[...] 10 [...], or failure to attend a personal interview, shall be considered as an implicit withdrawal of consent, unless the third-country national or stateless person can demonstrate that his or her failure was due to circumstances beyond his or her control¹⁰⁵.

Article 7

[...] Union [...] Resettlement and Humanitarian Admission [...] Plan¹⁰⁶

1. On the basis of a proposal from the Commission, the Council shall adopt a [...] **two-year** Union [...] **Resettlement and Humanitarian Admission [...] Plan** in the year preceding [...] **the two-year period** in which it is to be implemented.

¹⁰⁴ **ES:** "information essential" is too generic.

¹⁰⁵ **CZ:** This part should be transferred to Article 6 as it deals with the reasons for exclusion.

DE: scrutiny reservation

¹⁰⁶ **AT, CZ, LT:** reservation. **AT, BE, CZ, ES, FR, IT, NL, LT, SK:** combine Art 7 and 8 in order to have one technical procedure in place before starting resettlement, on the basis of a proposal from the Commission with an adoption of the Council. **CZ:** the legal form of this instrument is unclear. **BG, FI, FR, IE, PL, SE:** scrutiny reservation **DE:** general scrutiny reservation regarding the institutional structure of the proposal. We see a need for discussion if this regulation with the referral of competences to the Commission will, in fact, help promoting resettlement or not. We believe that participating MS will be able to conduct appropriate resettlement and humanitarian admission programmes on the basis of the Union Resettlement and Humanitarian Admission Plan. If there will be a consensus on the need of implementing acts, those acts should be based on a Council decision. If possible, involvement in adopting the implementing act should be different with reference to participating EU MS and not participating EU MS. Participating MS shall not be forced to conduct a certain programme they do not agree with. **SE:** important that the planning for EU resettlement is aligned to the extent possible with that of UNHCR. It is also important to strengthen the predictability component of the Framework.

2. The [...] Union [...] **Resettlement and Humanitarian Admission** [...] Plan shall include:
- (a) the maximum total number of persons to be [...] **admitted, indicating, where relevant, what part of that number shall be dedicated to [...] emergency admission [...]**;
 - (b) details about the participation¹⁰⁷ of the Member States [...] and their contributions to the **maximum** total number of persons to be [...] **admitted and that part of the total dedicated to emergency admission, [...] reflecting the indications made by Member States at [...] the High Level Resettlement and Humanitarian Admission Committee set out in Article 13**¹⁰⁸;
 - (c) overall geographical priorities.¹⁰⁹

2a. Emergency admission shall be applied irrespective of a Union Resettlement and Humanitarian Admission Scheme in accordance with Article 8, and irrespective of the overall geographical priorities as referred to in paragraph 2 (c) of this Article¹¹⁰.

¹⁰⁷ **CZ, SK:** "details about the participation" is a very vague terminology and should be specified. **HU, RO, SK:** add "voluntary" before "participation".

¹⁰⁸ **PRES:** the new wording has been added to emphasize the fact that the COM proposal shall reflect the discussions in the High Level Committee.

¹⁰⁹ **BG, HU, SK:** add a last sentence after letter (c) under para (2) drafted as follows: "*The annual Union resettlement plan serves as a recommendation.*"

¹¹⁰ **PRES:** a number of Member States have asked for the possibility to resettle outside the geographical priority areas in order to carry out emergency admission. Such admission shall count towards the total number of admitted persons that a Member State would have indicated for a Plan through the High Level Committee.

Article 8

[...] Union [...] Resettlement and Humanitarian Admission [...] Schemes¹¹¹

1. The Commission shall adopt implementing acts establishing [...] Union [...] **Resettlement and Humanitarian Admission [...] Schemes** consistent with the [...] Union [...] **Resettlement and Humanitarian Admission [...] Plan** adopted pursuant to Article 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2)¹¹².
2. A [...] Union [...] **Resettlement and Humanitarian Admission [...] Scheme** shall include [...]:
 - (a) a detailed justification for the [...] Union [...] **Resettlement and Humanitarian Admission [...] Scheme**;

¹¹¹ **AT, CZ, ES, FR, LT:** reservation. **IE, IT, PL, SE:** scrutiny reservation. **DE:** delete Art 8. Why should the Commission adopt implementing acts? How can be ensured that participating MS have more influence than not participating EU MS?. **FI, SE:** need to highlight the issue of the possibility of including a specific emergency quota on a dossier basis within the union resettlement schemes that is not linked to priority regions or populations. In SE a quarter of national resettlement quota is set aside for un-earmarked places. It should be possible to benefit from EU-funding for emergency-places also under the new Framework. **IT:** the schemes are not necessary. Delete the Article and add in Article 7: "*Where necessary, on the basis of a proposal from the Commission, the Council shall amend the Union Resettlement and Humanitarian Admission Plan, if required by new circumstances. In its proposal, the Commission can provide for a shorter time limit for reaching conclusions on admission*".

¹¹² **PRES:** It is pertinent to note that before it can implement an EU legal act, the Commission must consult, for the detailed implementing measures it proposes, a committee where every EU country is represented. Article 15 of the Proposal on the 'committee procedure' refers to the 'examination procedure' laid down in Article 5 of the Regulation (EU) No 182/2011, which delineates the impact of the committee's opinion on the Commission as follows: a) qualified majority in favour of the Commission's proposed measure (positive opinion), hence the Commission is bound to go through with this measure, b) qualified majority against (negative opinion), hence the Commission cannot carry out the measure it proposed. The Presidency has further strengthen the committee's role by making reference to Article 5(4) of Regulation (EU) No 182/2011, wherein in case the committee delivers no opinion, the Commission shall not adopt the draft implementing act.

- (b) the [...] **maximum** number of persons to be [...] **admitted** from the maximum total number as set out in the [...] Union [...] **Resettlement and Humanitarian Admission** [...] **Plan** provided for in point (a) of Article 7(2); [...]
- (bb) details about the participation of Member States **and their contribution to the maximum total number of persons to be admitted** [...] reflecting the indications made by Member States at the High Level Resettlement and Humanitarian Admission Committee set out in Article 13[...];¹¹³
- (bc) [...]¹¹⁴
- (c) the specification of the regions or third countries from which resettlement **or humanitarian admission** is to occur as referred to in Article 4;
- (d) where necessary, local coordination and practical cooperation arrangements among Member States **contributing to a [...] Union [...] Resettlement and Humanitarian Admission [...] Scheme**, supported by the [European Union Agency for Asylum] in accordance with Article 12([...]2), [...] with third countries, [...] UNHCR or other **relevant** partners;
- (e) a description of the specific group or groups of third-country nationals or stateless persons to whom the [...] Union [...] **Resettlement and Humanitarian Admission** [...] Scheme shall apply;¹¹⁵
- (f) [...]¹¹⁶

¹¹³ **BG:** reservation. **SK:** delete this letter. **NL:** replace "participation" with "voluntary commitments". **RO:** add "voluntary" before participation. **HU:** add "voluntary" before contribution. **PRES:** the new wording has been added to emphasize the fact that the COM proposal shall reflect the discussions in the High Level Committee.

¹¹⁴ **PRES:** text has been deleted because it should be up to the Member State to decide which procedure to follow.

¹¹⁵ **CZ, SK:** what is the relationship of letter (e) to Article 5 on eligibility criteria? All persons to be resettled shall fall within eligibility criteria.

¹¹⁶ **PRES:** since now we will only have an admission procedure with a derogation in case of Humanitarian Admission, there is no need to have this point as the timeframe is already specified in the procedure.

- (g) the date on which the [...] Union [...] **Resettlement and Humanitarian Admission** [...] Scheme shall take effect and its duration.

Article 9¹¹⁷

Consent

[...]

Article 10¹¹⁸

[...] Admission procedure¹¹⁹

1. When implementing **the Union Resettlement and Humanitarian Admission Plan [...]**, Member States shall identify¹²⁰ third-country nationals or stateless persons and assess whether those [...] persons fall within the scope of a [...] Union [...] **Resettlement and Humanitarian Admission [...]** Scheme.

Member States may give preference *inter alia* to third-country nationals or stateless persons with¹²¹:

¹¹⁷ moved to Article 6a.

¹¹⁸ **CZ, DE, ES, FI, FR, IE, PT, SE, SI:** scrutiny reservation. **IE:** the Article does not set out the potential for security assessments within the procedure, this would be considered essential.

¹¹⁹ **PRES:** since now we only have one procedure, the title has been amended accordingly.

¹²⁰ **FI, LU:** need to reinforce the role of UNHCR. **BG, FR:** role of UNHCR should be explicitly put here. The sentence should read as follows: "When implementing a ~~targeted~~ Union ~~resettlement scheme~~ **plan**, Member States, *with the help of the UNHCR*, shall identify third-country nationals or stateless persons and assess whether those third country nationals or stateless persons fall within the scope of a ~~targeted~~ **the** Union ~~resettlement scheme~~ **plan**."

¹²¹ **EL:** need to ensure that it will not be possible to reject persons who comply with eligibility but not covered by a), b) and c).

- (a) family links with third-country nationals or stateless persons or Union citizens legally residing in a Member State¹²² ;
- (b) social or cultural links, or other characteristics that can facilitate integration in the participating Member State, provided that this is without discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, without prejudice to differences in treatment necessary for the assessment referred to in the first subparagraph¹²³;
- (c) particular protection needs or vulnerabilities¹²⁴.

1a. In case of resettlement, [...]for the purpose of [...] identifying third-country nationals or stateless persons, Member States [...] shall¹²⁵ first request UNHCR, [...] to refer to them third-country nationals or stateless persons in relation to whom [...] UNHCR has [...] fully assessed whether they [...]:

- (a) [...] fall within the scope of the [...] Union [...] Resettlement and Humanitarian Admission [...] Scheme; [...]
- (b) [...] fall under one of the vulnerability categories set out in point (b)(i) of Article 5; and~~r~~
- (c) [...] qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.

¹²² **EL:** scrutiny reservation, linked to article 5 b) ii). **FI:** We have a connection with Art. 5, needs to be clarified, maybe remote family members can be left out.

¹²³ **NL:** These features will not be sufficiently known at the time of identification. In most cases, this kind of information comes to light during the resettlement interview.

¹²⁴ **CZ:** delete due to duplication with Art. 5.

¹²⁵ **CZ, SK:** reservation. Prefer to keep "may" instead of "shall". Don't agree on the compulsory role of the UNHCR.

Member States may also request that *inter alia* the criteria set out in points (a) to (c) of paragraph 1 be taken into account.

1b. In case of humanitarian admission, Member States may¹²⁶:

(a) for the purpose of identifying third-country nationals or stateless persons, request UNHCR, [the European Union Agency for Asylum] or another relevant international body to refer to them third-country nationals or stateless persons in relation to whom those entities have fully assessed whether they fall within the scope of the Union Resettlement and Humanitarian Admission Scheme.

(b) request UNHCR to also fully assess whether third-country nationals or stateless persons referred to them by UNHCR qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.

(c) request that *inter alia* the criteria set out in points (a) to (c) of paragraph 1 be taken into account.

2. After identifying **and assessing** third-country nationals or stateless persons **in accordance with paragraph 1**, Member States shall register¹²⁷ the following information of those for whom they intend to conduct the [...] **admission** procedure:

(a) the name, date of birth, gender, nationality; [...]

(b) [...]

¹²⁶ **PRES:** in order to ensure further clarity, the Presidency is proposing to delete Article 10a and instead place the derogation in the relevant Articles. It should also be pointed out that for the purposes of humanitarian admission, Member States can decide not to rely on any referrals by UNHCR, EUAA or another relevant international organisation.

¹²⁷ *Inclusion of this data in a database currently being examined in the framework of the Eurodac regulation.*

- (c) the type and number of any identity or travel document of the third-country national **or stateless person**; and
- (d) the date of the registration, the place where the registration is made, and the authority making the registration.

Additional data necessary for the implementation of paragraphs 3 and 4 may also be collected at the time of registration [...].¹²⁸

2a. Member States shall also register the data of the persons referred to in paragraph 2 in accordance with Article 12 (c) of Regulation (EU) XXX/XXX [Eurodac Regulation]¹²⁹.

- 3. Member States shall assess whether the third-country nationals or the stateless persons referred to in paragraph 2 meet the eligibility criteria set out in Article 5 and whether they are not excluded in accordance with Article 6(1).

Member States shall make that assessment on the basis of documentary evidence, including, where applicable, information from UNHCR on whether the third-country nationals or the stateless persons qualify as refugees, or on the basis of a personal interview, or a combination of both.¹³⁰

¹²⁸ **IT:** the order of paragraph 2 and 3 should be inverted. The assessment on eligibility criteria and exclusion causes is necessary before the registration of potential beneficiaries. Otherwise, we risk to register cases which could never be eligible, increasing the administrative burden and creating false expectations. **PT:** doubts with the order in this article. Only when you have a favourable decision then you can register this information.

¹²⁹ **PRES:** as requested by many Member States a reference to Eurodac has been reintroduced.

¹³⁰ **ES:** scrutiny reservation. How does it link to Article 5?

4. Member States shall [...] **reach a conclusion** on the [...] **admission** of third-country nationals or stateless persons on the basis of the assessment referred to in paragraph 3¹³¹ as soon as possible and not later than eight months¹³² from their registration¹³³. Member States may extend that time-limit [...] by a period of not more than four months, where complex issues of fact or law are involved¹³⁴.

[...]

5. Member States shall store the data referred to in paragraphs 2 to 4 for [...] **ten**¹³⁵ years from the date of [...] **admission**¹³⁶. **In the case of persons who have not been [...] admitted,**¹³⁷ **the data referred to in paragraphs 2 to 4 shall be stored for a period of five years from the date of registration.**

Upon expiry of **the applicable** [...] period, **the** Member States shall erase the data. Member States shall erase **the** data relating to a person who has acquired citizenship of any Member State before the expiry of that period as soon as [...] Member States becomes aware that the person concerned has acquired such citizenship¹³⁸.

¹³¹ **IT:** replace by "paragraph 2" in line with suggested change of order of paragraph 2 and 3.

¹³² **FR:** what is the purpose of having time-limits for assessing resettlement cases, as there are no rights associated to them?

¹³³ **AT:** what does it mean? registration in the MS or by UNHCR in the country of departure?

IE, IT, SE: replace "registration" by "referral". The resettlement procedure starts from the referral. What if the registration is delayed by the MS?

¹³⁴ **AT, BG:** delete the following sentence with the binding deadlines "(...) as soon as possible and not later than eight months from their registration. Member States may extend that time-limit of eight months by a period of not more than four months, where complex issues of fact or law are involved." **BG:** scrutiny reservation, external factors have impact in the process even in time limits, more analysis is needed.

¹³⁵ **IE:** scrutiny reservation, in IE the data are not erased, therefore this solution risks creating a problem with the national programme. **SI:** scrutiny reservation on deadlines.

¹³⁶ **NL:** specify that the admission is "in the national territory".

¹³⁷ **NL:** use "accepted" instead of "admitted".

¹³⁸ **ES:** reservation about storage of data. Difficult to know when acquires citizenship. **FR:** scrutiny reservation, as it is unclear whether such a provision is required by EU law.

6. [...] If the conclusion referred to in paragraph 4 is negative [...], no [...] admission of the person concerned shall occur¹³⁹ [...] ¹⁴⁰.
7. [...] If the conclusion referred to in paragraph 4 is [...] positive [...], the Member State shall¹⁴¹:

¹³⁹ **FR, NL:** UNHCR should notify the conclusion to the person. **NL:** suggest addition: "The person will be notified by the referring entity. The Member States will register the outcome in [Eurodac]". Registering also the negative outcomes is important to be able to detect secondary movements and illegal entry into the EU.

¹⁴⁰ **PRES:** there is no need for the text stating that "this shall not be subject to a remedy before a Court or Tribunal" since Article 1 clearly states that there is no right to be admitted. Therefore, a negative conclusion on the admission procedure is not subject to a legal remedy.

¹⁴¹ **FR, NL, PT:** UNHCR should notify the conclusion to the person. **IE:** scrutiny reservation on 10.7 and 10.8. It is an important distinction to note that resettled refugees under national programme are considered as "programme refugees" rather than "Convention refugees", for example they are not automatically entitled to Convention travel documents. It is an equivalent status which is granted. This scheme should not create any negative impacts on national resettlement programmes. **SE:** scrutiny reservation.

- (a) grant refugee status where the third-country national or the stateless person concerned qualifies as a refugee, or subsidiary protection status where the third-country national or the stateless person concerned is eligible for subsidiary protection.¹⁴² The Member States¹⁴³ shall notify the third-country nationals or [...] stateless persons concerned of its concerned of [...] **its** decision¹⁴⁴. **This** [...] decision [...] shall have the same effect as a decision to grant refugee status or [...] subsidiary protection status referred to in Articles 13 [...] **or** 19 of Regulation (EU) No XXX/XXX [Qualification Regulation], once the person concerned has entered the territory of a Member State¹⁴⁵;

¹⁴² **BE:** add "*once the person concerned has entered the territory of the Member State*". **IE:** add "*The Member State can as well grant a comparable national status*". **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*".

¹⁴³ **NL:** use "referring entity" instead of "Member States".

¹⁴⁴ **AT, FI:** delete this sentence. **BG:** granting before arrival should not be the procedure, only when enters the territory and the administrative body has a reasoned decision. **HU, SK:** add "*Member States may deliver the decision on international protection after the arrival of the person concerned to the territory of the respective Member State*". **FR:** No desirable to grant status before arrival, we don't have extraterritorial rights, need to do it at the time they arrive. **IT** add "*once the person concerned has entered the territory of a Member State*". **NL:** use "conclusion" instead of "decision" in order to emphasize that there is only a conclusion and not a decision with legal effect until arrival on EU territory.

¹⁴⁵ **AT, FR, HU:** suggest adding a sentence (see footnote 117 previous doc. 5332/17): **IE:** scrutiny reservation. The assessment under the ordinary procedure will already have taken place prior to arrival. This should not give rise to the possibility of a legal remedy once the person has entered the territory of the MS. **LV:** scrutiny reservation. **SE:** scrutiny reservation. The basis of resettlement as a durable solution is that states are expected to provide resettled persons with permanent residence. In favour of promoting a system that enables the issuance of permanent residence permits. **PRES:** the proposed re-wording does not preclude the possibility of such a notification being done by UNHCR if delegated to do so by Member States.

- (aa) **make every effort to ensure entry to its territory not later than twelve months from the date of the conclusion;**
- (b) ¹⁴⁶offer to make travel arrangements, including fit-to-travel medical checks, and provide transfer to their territory free of charge¹⁴⁷. [...] That offer shall include, where necessary, the facilitation of exit procedures in the third country from where the third-country national or the stateless person is admitted [...];
- (c) **when considered feasible**¹⁴⁸, offer a pre-departure orientation programme¹⁴⁹ to third-country nationals or stateless persons, which may include information about their rights and obligations, language classes¹⁵⁰, and information about the Member State's social, cultural and political set-up¹⁵¹.

8. [...] ¹⁵²

8a. [...]

9. [...]

¹⁴⁶ **AT, BE:** add "*where necessary*", maybe it's not always needed.

¹⁴⁷ **AT, BE:** delete "free of charge", if they have money and can contribute.

¹⁴⁸ **AT:** "*where necessary*", maybe it's not always needed. **FR:** "*to the extent possible*".

¹⁴⁹ **SE:** delete "pre-departure", programmes after entry should also be possible. **SE:** as cultural orientation in some cases may not be possible to carry out pre-departure

¹⁵⁰ **HR, HU:** delete "language classes".

¹⁵¹ **SE, DE:** add "*Generally this programme should be offered previous to departure within available resources*". **LV:** scrutiny reservation on the whole point c). **SI:** need more flexibility. Orientation programmes can be offered when they arrive to the MS. **PRES:** the wording "where considered feasible" provides for orientation programmes not to be offered if Member States do not have the necessary resources. The current wording does not state when an orientation programme should be offered. Therefore, nothing precludes the possibility for a Member State to offer such a program upon or after arrival.

¹⁵² **PRES:** this has been moved to point 1a.

Article 10a
Humanitarian Admission

[...]

Article 11
Expedited procedure

[...]

Article 12¹⁵³
Operational cooperation

1. To facilitate the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission [...] Schemes**, Member States shall appoint national contact points and may decide to appoint liaison officers in third countries.

2. [The European Union Agency for Asylum] may support **Member States upon their request in accordance with Article 10a ([...]2), or where provided for in a [...] Union Resettlement and Humanitarian Admission Scheme in accordance with Article 8 (2)(ed). This support may include, [...] coordinating technical cooperation between [...] Member States, assisting [...] Member States in the implementation of [...] Union [...] Resettlement and Humanitarian Admission [...] Schemes, and facilitating the sharing of infrastructure and cooperation with third countries** in accordance with [Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation)¹⁵⁴].¹⁵⁵

¹⁵³ **SE:** scrutiny reservation, need to coordinate with EUAA Regulation. Underlining the importance of that the EUAA will not duplicate the work carried out by UNHCR and IOM.

¹⁵⁴ OJ L [...], [...], p. [...].

¹⁵⁵ **BG, CZ:** scrutiny reservation.

3. To implement [...] Union [...] **Resettlement and Humanitarian Admission** [...] Schemes, and in particular to conduct pre-departure orientation programmes, fit-to-travel medical checks, travel arrangements and other practical arrangements, Member States may be assisted by **relevant** partners in accordance with local coordination and practical cooperation arrangements for [...] Union [...] **Resettlement and Humanitarian Admission** [...] Schemes established in accordance with point (d) of Article 8(2)¹⁵⁶.

Article 13¹⁵⁷

High-Level Resettlement and Humanitarian Admission Committee

1. A High-Level Resettlement Committee **and Humanitarian Admission** shall be established, composed of representatives of the European Parliament, the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, and the Member States. [The European Union Agency for Asylum,] UNHCR¹⁵⁸, [...] IOM, **and other relevant organisations** may be invited. Representatives of Iceland, Liechtenstein, Norway, and Switzerland shall be invited to attend the meetings of the High-Level Resettlement **and Humanitarian Admission** Committee where they have indicated their intention to be associated with the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission** [...] Plan.
2. The High-Level Resettlement **and Humanitarian Admission** Committee shall be chaired by the Commission. It shall meet whenever necessary at the invitation of the Commission or at a request of a Member State and shall meet at least once a year.

¹⁵⁶ **CZ, DE:** delete "established in accordance with point (d) of Article 8(2)."

¹⁵⁷ **CZ, DE, SE:** scrutiny reservation. **ES:** the tasks of the Committee are only listed in a recital and not in the body of the text. Would like to have more explained functions. **HU:** need more clearer role for the Committee.

¹⁵⁸ **DE, SE:** EUAA and UNHCR should regularly be invited. **FR, ES:** UNHCR should be full member. **SE:** also notes the existing EU Resettlement and Relocation Forum, in which UNHCR, IOM and EUAA generally take part. On an international level this is provided for by the ATCR to which all resettlement states and organisations participate.

3. The Commission shall consult the High-Level Resettlement **and Humanitarian Admission** Committee on issues related to the implementation of the Union Resettlement **and Humanitarian Admission** Framework¹⁵⁹. **The Commission shall invite Member States to indicate at the meeting of the High-Level Resettlement and Humanitarian Admission Committee¹⁶⁰ the details of their participation and of their contribution to the maximum total number of persons to be [...] admitted [...] under the Union Resettlement and Humanitarian Admission Plan and [...] under the Union Resettlement and Humanitarian Admission Schemes respectively¹⁶¹.**

Article 14

Exercise of the delegation

[...]

¹⁵⁹ **AT:** against creating additional layers. The Committee should be responsible for political issues.

¹⁶⁰ **RO:** need to make clear that a Member State is consulted with regard to its intention to participate in the scheme. Add, from here "*if they choose to participate in the Union Resettlement and Humanitarian Admission Plan and in the Union Resettlement and Humanitarian Admission Schemes respectively*, the details (...)"

¹⁶¹ **AT:** the text does not clearly regulate the process of finding the maximum number of persons to be resettled. Member States should first indicate the number of persons to be resettled. The maximum number should then be based on these contributions. This should not happen in the reverse order. **CZ, FR:** scrutiny reservation. **IT:** add: "*...and to indicate whether their participation will take the form of resettlement or humanitarian admission*". **CZ:** delete "and in the Union Resettlement and Humanitarian Admission Schemes". It is redundant since the Schemes are deriving from Plans. **PRES:** Member States are to indicate their level of participation, if any, and the number of persons they are going to admit in relation to the Plan and the Schemes. Member States do not need to indicate here whether admission will be done through resettlement or humanitarian admission, since it will be up to the individual Member State to take this procedural decision.

Article 15¹⁶²

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 16

Association with Iceland, Liechtenstein, Norway, and Switzerland

Iceland, Liechtenstein, Norway, and Switzerland shall be invited to be associated with the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission [...] Plan**. The core elements of this Regulation, in particular those related to the [...] procedures **laid down in Articles 10 [...] -and to the rights and obligations of [...] admitted** persons, shall be duly taken into account in that association.

¹⁶² **DE:** scrutiny reservation. **AT, DE, FR, NL:** delete the Article.

Article 17

Amendments to Regulation (EU) No 516/2014¹⁶³

Regulation (EU) No 516/2014 is amended as follows:

(1) in Article 1, point (d) of paragraph 2 is deleted.

(2) Article 2 is amended as follows:

a) point (a) is replaced by the following:

'(a)'resettlement' means the admission of third-country nationals or stateless persons in need of international protection from a third country to which or within which they have been displaced to the territory of one of the Member States with a view to granting them international protection';¹⁶⁴

¹⁶³ **SE:** scrutiny reservation. **SI:** reservation.

¹⁶⁴ **EE, EL, ES, IE, FR, PL, PT:** scrutiny reservation because it includes IDP. **FR:** In conformity with our working proposal in Article 2 it should read as follows: "points (a) and (b) is are replaced by the following: (a) '*resettlement*' means upon referral from the UNHCR the transfer of third country nationals and stateless persons in need of international protection from a third country to which they have been displaced to the territory of a Member State that has agreed to admit them , with a view of granting them a status provided in the Qualification Regulation or an equivalent status; (b) 'other forms of humanitarian admission' means the admission of third-country nationals or stateless persons in need of international protection from a third country to which or within which they have been displaced through a process other than resettlement within the meaning of this Regulation, based on national procedures."

b) the following points (aa) and (ab) are inserted¹⁶⁵:

'(aa) 'Union Resettlement **and Humanitarian Admission** Framework' means the Union Resettlement **and Humanitarian Admission** Framework established in accordance with [Regulation (EU) No XXX/XXX (Resettlement [...] Regulation)];

(ab) '[...] Union [...] **Resettlement and Humanitarian Admission Scheme**' means a [...] scheme established in accordance with Article [...] **8** of [Regulation (EU) No XXX/XXX (Resettlement [...] Regulation)]'.

(3) Article 17 is replaced by the following:

'Article 17

Resources for the Union Resettlement **and Humanitarian Admission** Framework

¹⁶⁵ **FR:** Consistent with the proposal to delete reference to the targeted scheme, draft as follows: " (b) the following points (**aba**) and (**abb**) are inserted: '**aba**) 'Union Resettlement Framework' means the Union Resettlement Framework established in accordance with [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]; (**abb**) '~~targeted bi-~~annual Union ~~resettlement scheme~~ **plan for resettlement and other forms of humanitarian admission**' means a ~~targeted bi-~~annual Union ~~resettlement scheme~~ **plan** established in accordance with Article ~~157~~(2) of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]'.

1. In addition to their allocation calculated in accordance with point (a) of Article 15(1), Member States shall receive for each [...] person **admitted** in accordance with [...] **Regulation (EU) XXX/XXX [Resettlement Regulation]** a lump sum of EUR 10,000 **and, within the limits of the resources available, a lump sum of EUR 6,000 for each resettled person in accordance with national resettlement schemes if that person was granted international protection.**¹⁶⁶
2. The amounts referred to in paragraph 1¹⁶⁷ shall be allocated to the Member States¹⁶⁸ in the individual financing decisions approving their revised national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) 514/2014.

¹⁶⁶ **FR:** Drafting suggestion: "1. In addition to their allocation calculated in accordance with point (a) of Article 15(1), *Member States shall receive every two years an additional amount as set out in point (b) of Article 15(2) based on a lump sum of EUR 6 000 for each person benefitting from resettlement or another form of humanitarian admission.* *1a. The lump sum referred to in paragraph 1 shall be increased to EUR 10 000* receive for each resettled person *benefitting from resettlement or another form of humanitarian admission* in accordance with a *targeted bi-annual Union resettlement scheme plan for resettlement and other forms of humanitarian admission* a lump sum of EUR 10,000. *1b. Where appropriate, Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1a, provided that those family members have benefitted from resettlement or another form of humanitarian admission in accordance with this Regulation.*" **DE:** Secondary movements need to be taken into account when giving the money. Add "*funding shall only be provided if the resettled person still lives in the particular resettlement country after a period of 36 months.*"

¹⁶⁷ **FR:** should read "paragraphs 1 *to 1b*", consistent with previous comment.

¹⁶⁸ **FR:** add "at least every two years". This would allow for a better visibility and would facilitate the financial organisation.

3. Each Member States to whom an amount referred to in paragraph 1 has been allocated shall include in the annual accounts provided for in Article 39 of Regulation (EU) 514/2014¹⁶⁹ the number of persons qualifying for the amount. Transfers of this amount to other actions under the national programme shall not be possible unless explicitly approved by the Commission through a revision of the national programme.¹⁷⁰
 4. Member States shall keep the information necessary to allow the proper identification of [...] **those persons resettled under a national resettlement scheme or admitted in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation]**, and of the date of their resettlement **or admission**.
 5. Allocations made before [date of entry into force of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]] shall not be affected.'
- (4) the term 'Union Resettlement Programme' is replaced by the term 'Union Resettlement **and Humanitarian Admission** Framework'.
- (5) Annex III is deleted.

¹⁶⁹ OJ L 150, 20.5.2014, p. 112.

¹⁷⁰ **AT:** prefers a separate payment for resettlement. Suggests the following text: "3. Each Member States to whom an amount referred to in paragraph 1 has been allocated shall ~~include in the annual accounts provided for in Article 39~~ *submit* the number of persons qualifying for the amount *together with the other necessary information for the annual accounts, but the Resettlement - payment is no part of the regular annual accounts regarding the annual programs of the member states. Regarding Resettlement, there will be a separate payment from the European Commission to the Member States.* ~~Transfers of this amount to other actions under the national programme shall not be possible unless explicitly approved by the Commission through a revision of the national programme".~~

Article 18

Evaluation and Review

1. By [...] **two years after the entry into force of this Regulation** the Commission shall report to the European Parliament and the Council on the application of this Regulation in the Member States.
2. [Member States shall provide the Commission and [the European Union Agency for Asylum]¹⁷¹ with the necessary information for drawing up its report for the purpose of paragraph 1 in addition to the information provided to [the European Union Agency for Asylum] on the number of third-country nationals [...] **or** stateless persons effectively **admitted** [...] ¹⁷² [...] as laid down in Article 22(3) of [Regulation (EU) No XXX/XXX (Dublin Regulation)]].¹⁷³
3. The European Parliament and the Council shall, on the basis of the proposal of the Commission, taking into account the report referred to in paragraph 1, review this Regulation **within two years of the submission of the report by the Commission** [...].

¹⁷¹ **CZ:** delete reference to EUAA. According to para 1 the Commission has the obligation to report on the application and not EUAA.

¹⁷² **AT, FR, IT, NL, LT:** prefer "monthly" rather than "weekly". **CZ:** this time limits should be in brackets and modified following agreement in the Dublin Regulation proposal.

¹⁷³ **CZ, PL:** scrutiny reservation. Alternatively the whole paragraph should be deleted due to duplicity with the Dublin Regulation proposal. **ES:** scrutiny reservation.

Article 19

Entry into force

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
