



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0216/2013

10.6.2013

*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council 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) (15605/3/2012 – C7-0164/2013 – 2008/0243(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Cecilia Wikström

Symbols for procedures

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

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

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council 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)
(15605/3/2012 – C7-0164/2013 – 2008/0243(COD))**

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (15605/3/2012 – C7-0164/2013),
 - having regard to the opinion of the European Economic and Social Committee of 16 July 2009¹,
 - having regard to the opinion of the Committee of the Regions of 7 October 2009²,
 - having regard to the opinion of the European Data Protection Supervisor of 18 February 2009³,
 - having regard to its position at first reading⁴ on the Commission proposal to Parliament and the Council (COM(2008)0820),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A7-0216/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of

¹ OJ C 317, 23.12.2009, p. 115.

² OJ C 79, 27.3.2010, p. 58.

³ OJ C 229, 23.9.2009, p. 1.

⁴ OJ C 212E, 5.8.2010, p. 370.

the Council, to arrange for its publication in the Official Journal of the European Union, together with the joint statement by Parliament, the Council and the Commission;

6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Statement by the Council, the European Parliament and the Commission

The Council and the European Parliament invite the Commission to consider, without prejudice to its right of initiative, a revision of Article 8(4) of the Recast of the Dublin Regulation once the Court of Justice rules on case C-648/11 MA and Others vs. Secretary of State for the Home Department and at the latest by the time limits set in Article 46 of the Dublin Regulation. The European Parliament and the Council will then both exercise their legislative competences, taking into account the best interests of the child.

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, accepts to consider this invitation, which it understands as being limited to these specific circumstances and not creating a precedent.

PROCEDURE

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| Title | Criteria and mechanisms for determining the Member State responsible for the application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast version) |
| References | 15605/3/2012 – C7-0164/2013 – 2008/0243(COD) |
| Date of Parliament's first reading – P number | 7.5.2009 T6-0377/2009 |
| Commission proposal | COM(2008)0820 - C6-0474/2008 |
| Committee responsible Date announced in plenary | LIBE |
| Rapporteur(s) Date appointed | Cecilia Wikström 2.9.2009 |
| Discussed in committee | 10.6.2013 |
| Date adopted | 10.6.2013 |
| Result of final vote | +: 32 -: 9 0: 9 |
| Members present for the final vote | Sonia Alfano, Roberta Angelilli, Edit Bauer, Rita Borsellino, Emine Bozkurt, Arkadiusz Tomasz Bratkowski, Salvatore Caronna, Philip Claeys, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Ioan Enciu, Frank Engel, Cornelia Ernst, Hélène Flautre, Kinga Göncz, Sylvie Guillaume, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Monica Luisa Macovei, Clemente Mastella, Véronique Mathieu Houillon, Roberta Metsola, Claude Moraes, Antigoni Papadopoulou, Georgios Papanikolaou, Carmen Romero López, Birgit Sippel, Csaba Sógor, Rui Tavares, Nils Torvalds, Kyriacos Triantaphyllides, Wim van de Camp, Axel Voss, Renate Weber, Cecilia Wikström, Tatjana Ždanoka, Auke Zijlstra |
| Substitute(s) present for the final vote | Anna Maria Corazza Bildt, Dimitrios Droutsas, Franziska Keller, Ulrike Lunacek, Marco Scurria |
| Substitute(s) under Rule 187(2) present for the final vote | Phil Bennion, Karin Kadenbach, Johannes Cornelis van Baalen |
| Date tabled | 10.6.2013 |