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European Union

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From: Presidency

To: Permanent Representatives Committee

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Subject: Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

– State of play and guidance for further work

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1. On 4 May 2016, in the framework of the reform of the Common European Asylum System (CEAS), the Commission adopted a proposal for a Regulation on the European Union Agency for Asylum<sup>1</sup>. The proposal aims to strengthen the role of EASO and develop it into an Agency which facilitates the implementation and improves the functioning of the Common European Asylum System (CEAS). Detailed examination of the proposal by Member States started at the Asylum Working Party meeting on 15 June 2016. On 20 December 2016, the Council adopted a partial general approach on the proposal, excluding the text in square brackets relating to other proposals in the field of the CEAS.

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<sup>1</sup> doc. 8742/16 + ADD 1

2. Consequently, the Presidency started negotiations with the European Parliament in January 2017. To date, four informal trilogues have taken place on 7 February, 8 March, 21 March and 2 May (continued on 11 May). In preparation for these informal trilogues, numerous technical meetings with the European Parliament have taken place. In the Council framework, the Presidency has convened a number of meetings of JHA Counsellors to seek the views of Member States on the amendments of the European Parliament as well as on the possible compromise suggestions.
3. During the first trilogue on 7 February, the Presidency and the European Parliament's Rapporteur both presented their respective positions on the most important aspects of the proposal, namely 'Monitoring', 'the Organisation of the Agency', and 'Operational and Technical Assistance'. During the second trilogue on 8 March, the negotiators held an in-depth discussion on 'Operational and Technical Assistance', which continued during the third trilogue on 21 March. During the fourth trilogue on 2 and 11 May, an in-depth discussion on the monitoring mechanism took place together with a discussion on the various amendments of the European Parliament related to the protection of fundamental rights. At the beginning of each trilogue, a list of provisions agreed at the technical level in between trilogues was approved ad referendum.
4. As a result of the above, agreement ad referendum has been reached by the co-legislators on Chapters 2 ('Practical Cooperation and Information on Asylum'), 4 ('Operational Standards and Guidelines'), 6 ('Operational and Technical Assistance') and 10 ('Financial Provisions') of the proposal, with the exception of a few provisions on which discussions are still ongoing<sup>2</sup>. In addition, Chapters 7 ('Information Exchange and Data Protection'), 8 ('Cooperation by the Agency') as well as 5 ('Monitoring'), 11 ('General Provisions') and 12 ('Final Provisions') have been extensively discussed at technical level.

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<sup>2</sup> See the attached 4-column table (Annex II) including the text agreed in political trilogues.

5. Discussions on Chapter 6 ('Operational and Technical Assistance') were particularly extensive, mainly because the European Parliament questioned the significant restructuring of the Chapter in the Council text. However, after the text was modified to more clearly set out the different scenarios described in this Chapter, the European Parliament agreed to follow the structure proposed by the Council, while the Council position was largely preserved. The European Parliament has made a number of significant concessions in this Chapter, notably in relation to the consultation of participating states on the Operational Plan (Articles 19(1) and 19(4)), the possibility of a temporary exemption from the obligation to provide experts to the asylum reserve pool (Article 19A(6b)), and the fact that a shortage of experts shall be addressed through a decision of the Management Board (Article 19B (5)).
  
6. However, one of the issues still pending in Chapter 6 relates to the deadlines for the deployment of experts. According to Article 19B(2), the deployment of experts from the asylum support teams should take place within no more than 15 working days in the Council's text and in 7 working days in the Parliament's text. According to Article 19(B)(4), the deployment of experts from the asylum reserve pool should take place within 10 working days in the Council's text and within 3 working days in the Parliament's text. The issue has been addressed both at a technical and political level but the two co-legislators have not yet managed to reach a compromise.

The Parliament has argued that the overall period of time from the moment of the request for assistance or the initiative taken by the Agency (as described in Article 20) or a Council decision (as described in Article 22) to the actual deployment of experts in the Council text is too long, thus limiting the responsiveness of the Agency. Indeed, in the Council text, the overall procedure in ordinary circumstances would take 28-30 working days (i.e. around 1.5 months), while in the Parliament text it would take 13 working days (2.5 weeks). In cases where the asylum and reception systems of the Member State are subject to disproportionate pressure, the overall response time in the Council text is 18-20 working days (i.e. around 1 month), while the overall response time in the Parliament text is 9 working days (i.e. less than 2 weeks). In a case of disproportionate pressure, an overall response time of 1 month is a matter of concern, as the asylum and reception systems of the Member State will continue to deteriorate until assistance is provided.

Likewise, in the serious circumstances described in Article 22, where the asylum and reception systems of a Member State are rendered ineffective to the extent of having serious consequences for the CEAS, it would take 16 working days (more than three weeks) from the Council decision for personnel to be deployed in the Council text, without accounting for the time that would elapse until a decision is adopted by the Council. Conversely, it would only take 5 working days from the adoption of the Commission decision for experts to be present on the ground in accordance with the Parliament's text.

In view of the considerations outlined above, the Presidency wishes to seek the views of COREPER on what could be acceptable and realistic deployment deadlines in these various scenarios. COREPER is invited to show some flexibility on this issue to ensure that the Agency is able to provide operational and technical assistance in a timely and responsive manner, also in view of the need, which has been reiterated by delegations several times to prevent the further deterioration of asylum and reception systems in order to avoid crisis scenarios. Therefore the Presidency propose the following deployment deadlines for the scenarios outlined above:

- (i) 10 working days in the scenario described in Article 19B(2);
- (ii) 7 working days in the scenario described in Article 19B(4).

Similarly, the Council and the European Parliament have not been able to agree on the minimum duration of deployment of asylum experts in Article 19B(6). The Council proposes 30 days whereas the European Parliament insists on 60 days. It is worth noting that, in a recent Special Report on the EU response to the refugee crisis, the European Court of Auditors noted that the current practice of deploying experts to the hotspots for a limited period has led to a frequent rotation of personnel which causes a significant efficiency loss, since newly arriving experts need some time to adjust and become familiar with the specific situation.<sup>3</sup> In light of this, the Presidency would like to ask whether COREPER could accept a minimum deployment period of 45 days.

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<sup>3</sup> Special Report "EU Response to the refugee crisis: the 'hotspots' approach", European Court of Auditors, 2017, pp 32, para 50.

7. In addition, the attention of COREPER is drawn to Annex II of the Council's partial general approach<sup>4</sup> containing the number of experts each Member State should contribute to the asylum reserve pool. At the time of adoption of the partial general approach, on 20 December 2016, there was a general agreement that the asylum reserve pool should consist of 500 experts but the agreed figures at the time did not meet the set target. In the course of 2017, the Presidency has held bilateral meetings with all the participating Member States regarding their pledges to the asylum reserve pool in order to reach the target of a minimum of 500 experts. The Presidency is pleased to note that Austria has increased its pledge by 3 experts (from 12 to 15); while Finland and Romania have both increased their pledge by 2 experts (from 6 to 8 and from 18 to 20 respectively). However, the total number of experts pledged still falls short of the overall number (29 missing).<sup>5</sup> Member States are, therefore, invited to increase their pledges in order to reach the target of 500 experts as soon as possible.
8. The Presidency would, hence, like to invite COREPER to:
- give its views on a deadline of 10 working days in Article 19B(2) and 7 working days in Article 19B(4);
  - give its views on a minimum deployment period of 45 working days in Article 19B(6);
  - make additional pledges to the asylum reserve pool in order to reach the above target of 500;
  - take note of the progress made in negotiating this proposal with the European Parliament.

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<sup>4</sup> ST 15576/16.

<sup>5</sup> See the Table of Contributions to be provided by each Member State to the Asylum Reserve Pool of 500 Experts in accordance with Article 19A(6) of the EUAA Proposal(Annex I).

**TABLE OF CONTRIBUTIONS TO BE PROVIDED BY EACH MEMBER STATE TO THE ASYLUM RESERVE POOL OF 500 EXPERTS IN ACCORDANCE WITH ARTICLE 19A(6) OF THE EUAA PROPOSAL**

|                |                           |
|----------------|---------------------------|
| Belgium        | 15                        |
| Bulgaria       | 6                         |
| Czech Republic | 8                         |
| Germany        | 80                        |
| Estonia        | 5                         |
| Greece         | 25                        |
| Spain          | 45                        |
| France         | 75                        |
| Croatia        | 4                         |
| Italy          | 40                        |
| Cyprus         | 3                         |
| Latvia         | 5                         |
| Lithuania      | 5                         |
| Luxembourg     | 4                         |
| Hungary        | 5                         |
| Malta          | 4                         |
| Netherlands    | 20                        |
| Austria        | 15                        |
| Poland         | 40                        |
| Portugal       | 6                         |
| Romania        | 20                        |
| Slovenia       | 5                         |
| Slovakia       | 10                        |
| Finland        | 8                         |
| Sweden         | 18                        |
| Total          | 471/500 (29 experts left) |

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

| <b>Commission Proposal<br/>(doc. 8742/16)</b>   | <b>EP Position</b>  | <b>Council's partial general approach<br/>(doc. 15576/16 )</b>  | <b>Comments / possible<br/>compromise suggestions</b> |
|---|---|---|---|
| 2016/0131 (COD)<br>Proposal for a<br><b>REGULATION OF THE<br/>EUROPEAN PARLIAMENT<br/>AND OF THE COUNCIL</b><br>on the European Union Agency for<br>Asylum and repealing Regulation<br>(EU) No 439/2010 | <b>DRAFT EUROPEAN<br/>PARLIAMENT LEGISLATIVE<br/>RESOLUTION</b><br><b>on the proposal for a regulation of<br/>the European Parliament and of the<br/>Council on the European Union<br/>Agency for Asylum and repealing<br/>Regulation (EU) No 439/2010<br/>(COM(2016)0271 – C80174/2016 –<br/>2016/0131(COD))</b><br><b>(Ordinary legislative procedure: first<br/>reading)</b> | 2016/0131 (COD)<br>Proposal for a<br><b>REGULATION OF THE<br/>EUROPEAN PARLIAMENT<br/>AND OF THE COUNCIL</b><br>on the European Union Agency for<br>Asylum and repealing Regulation<br>(EU) No 439/2010 |   |

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| THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,   |  | 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(1) and (2) thereof, |  | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(1) and (2) thereof, |  |
| Having regard to the proposal from the European Commission,  |  | Having regard to the proposal from the European Commission,  |  |
| After transmission of the draft legislative act to the national parliaments,   |  | After transmission of the draft legislative act to the national Parliaments,   |  |
| Acting in accordance with the ordinary legislative procedure,  |  | Acting in accordance with the ordinary legislative procedure,  |  |
| Whereas:   |  | Whereas:   |  |

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

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

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

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

*Amendment 2*

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

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*Amendment 3*

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| <p>(4) The European Asylum Support Office was established by Regulation (EU) No 439/2010 of the European Parliament and of the Council and it took up its responsibilities on 1 February 2011. The European Asylum Support Office has enhanced practical cooperation among Member States on asylum-related matters and in assisting Member States in implementing their obligations under the CEAS. The European Asylum Support Office also provides support to Member States whose asylum and reception systems are under particular pressure. However, its role and function need to be further strengthened so as to not only support Member States in their practical cooperation but to reinforce and complement the asylum and reception systems of Member States.</p> | <p>(4) The European Asylum Support Office was established by Regulation (EU) No 439/2010 of the European Parliament and of the Council<sup>1</sup> and it took up its responsibilities on 1 February 2011. The European Asylum Support Office has enhanced practical cooperation among Member States on asylum-related matters and in assisting Member States in implementing their obligations under the CEAS. The European Asylum Support Office also provides support to Member States whose asylum and reception systems are under particular pressure. However, its role and function need to be further strengthened so as to not only support Member States in their practical cooperation but to reinforce and complement the asylum and reception systems of Member States <b><i>based on high standards and in compliance with the Charter on Fundamental Rights of the European Union (the Charter)</i></b>.</p> | <p>(4) The European Asylum Support Office was established by Regulation (EU) No 439/2010 of the European Parliament and of the Council<sup>1</sup> and it took up its responsibilities on 1 February 2011. The European Asylum Support Office has enhanced practical cooperation among Member States on asylum-related matters and in assisting Member States in implementing their obligations under the CEAS. The European Asylum Support Office also provides support to Member States whose asylum and reception systems are under particular pressure. However, its role and function need to be further strengthened so as to not only support Member States in their practical cooperation but to reinforce and [...] <b>contribute towards ensuring the efficient functioning</b> of the asylum and reception systems of Member States.</p> |  |
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*Amendment 4*

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

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

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

*Amendment 5*

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

(6) The tasks of the European Asylum Support Office should be expanded, and to reflect those changes, it should be renamed European Union Agency for Asylum. ***It should, however, remain the same legal person, with full continuity in all its activities and procedures.*** The Agency should be a centre of expertise and its main role should be to strengthen practical cooperation and information exchange among Member States on asylum, promote ***international and asylum*** law and operational standards ***thereby working towards*** a high degree of uniformity ***based on high standards*** as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, monitor the operational and technical application of Union law and standards as regards asylum, support the ***resettlement and*** Dublin system and provide increased operational and technical support to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

(6) The tasks of the European Asylum Support Office should be expanded, and to reflect those changes, it should be renamed European Union Agency for Asylum. ***It should remain the same legal person, with full continuity in all its activities and procedures.*** The Agency should be a centre of expertise and its main role should be to strengthen practical cooperation and information exchange among Member States on asylum, promote Union law on asylum and operational standards to ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, monitor the operational and technical application of [...] ***the CEAS*** and standards as regards asylum, support the Dublin system and provide increased operational and technical assistance to Member States for the management of the asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

*Amendment 6*

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

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| <p>(7) The European Union Agency for Asylum should work in close cooperation with Member States' asylum authorities, with national immigration and asylum services and other services, drawing on the capacity and expertise of those services, and with the Commission. Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological specifications of Regulation (EC) No 862/2007.</p> |  | <p>(7) The European Union Agency for Asylum should work in close cooperation with Member States' authorities, [...] <b>responsible for</b> immigration and asylum services and other relevant services, drawing on the capacity and expertise of those services, and with the Commission. Member States should cooperate with the Agency to ensure that it is able to fulfil its mandate. It is important, <b>for the purposes of this Regulation</b>, that the Agency and the Member States act in good faith and have a timely and accurate exchange of information. Any provision of statistical data should respect the technical and methodological specifications of Regulation (EC) No 862/2007.<sup>2</sup></p> |  |
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| <i>Amendment 7</i>  |  |   |  |
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| <p>(8) The European Union Agency for Asylum should gather and analyse information on the situation of asylum in the Union and in third countries insofar as this may have an impact on the Union. That should enable the Agency to assist Member States in better understanding the factors for asylum-related migration towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.</p> | <p>(8) The European Union Agency for Asylum should gather and analyse information on the situation of asylum in the Union and in third countries insofar as this may have an impact on the Union. That should enable the Agency to assist Member States in better understanding the factors for <b><i>migratory and refugee flows</i></b> towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.</p> | <p>(8) The European Union Agency for Asylum should gather and analyse information on the situation of asylum in the Union and in third countries insofar as this may have an impact on the Union. That should enable the Agency to assist Member States in better understanding the factors for asylum-related migration towards and within the Union, as well as for the purpose of early warning and preparedness of Member States.</p> |  |
| <i>Amendment 8</i>  |  |   |  |
| <p>(9) Having regard to the reform of the Dublin system, the European Union Agency for Asylum should provide the necessary support to the Member States, in particular by operating and managing the corrective mechanism.</p>  | <p>(9) Having regard to the reform of the Dublin system, the European Union Agency for Asylum should provide the necessary support to the Member States, in particular by operating and managing the corrective mechanism <b><i>and any other tasks assigned to it within the framework of Regulation (EU) xxx/xxx (Dublin Regulation).</i></b></p>  | <p>[(9) Having regard to the reform of the Dublin system, the European Union Agency for Asylum should provide the necessary support to the Member States [...] <b>by carrying out its tasks and obligations as set out in Regulation (EU) No XXX/XXX (Dublin Regulation).</b>]</p>  |  |

*Amendment 9*

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

*Amendment 10*

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

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

(10) The European Union Agency for Asylum should assist Member States with training of experts from all national administrations, courts and tribunals, and national [...] **authorities** responsible for asylum matters, including the development of a [...] **European Asylum** curriculum. [...] **It is necessary to** ensure that all experts participating in asylum support teams [...] **have received** specialist training [...], **for their** participation in operational activities organised by the Agency. **Such training may also take place just before the start of the operational activities themselves.**

*Council compromise suggestion:*

(10) The European Union Agency for Asylum should assist Member States with training of experts from all national administrations, courts and tribunals, and national [...] **authorities** responsible for asylum matters, including the development of a [...] **European asylum** curriculum. **Member States should develop appropriate training on the basis of the European asylum curriculum with the aim of promoting best practices and high standards in the implementation of Union law. In this respect, Member States should include core parts of that curriculum into their training. Those core parts should cover issues related to the determination of whether applicants qualify for international protection, interview techniques and evidence assessment which are considered to be basic tools**

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|  |  |  | <b>necessary for case handlers.</b> In addition, the Agency should ensure that all experts participating in asylum support teams or forming part of the asylum [...] <b>reserve</b> pool receive [...] <b>the necessary</b> training before their participation in operational activities organised by the Agency. |
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*Amendment 11*

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| (11) The European Union Agency for Asylum should ensure a more structured and streamlined production of information on countries of origin at the level of the European Union. It is necessary for the Agency to gather information and draw up reports providing for country of origin information by making use of European networks on country of origin information so as to avoid duplication and create synergies with national reports. Furthermore, to ensure convergence in the assessment of applications for international protection and the nature and quality of protection granted, the Agency should, together with Member States, | (11) The European Union Agency for Asylum should ensure a more structured and streamlined production of information on countries of origin at the level of the European Union. It is necessary for the Agency to gather information and draw up reports providing for country of origin information by making use of networks <b>among Member States</b> on country of origin information and so as to avoid duplication and create synergies with national reports. <b>Such information should refer, inter alia, to the political, cultural and religious situation in the country, as well as conditions of detention, in particular torture and ill-treatment in places of detention.</b> Furthermore, to ensure | (11) The European Union Agency for Asylum should ensure a more structured and streamlined production of information on relevant third countries at the level of the European Union. It is necessary for the Agency to gather information and draw up reports providing for country information by making use of European networks on [...] <b>third-country</b> information so as to avoid duplication and create synergies with national reports. |  |
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| <p>engage in and develop a common analysis providing guidance on the situation in specific countries of origin.</p> | <p>convergence in the assessment of applications for international protection and the nature and quality of protection granted, the Agency should, together with Member States, engage in and develop a common analysis providing guidance on the situation in specific countries of origin. <b><i>Such common analysis should be developed in consultation with the Commission, the United Nations High Commissioner for Refugees (UNHCR) and the Consultative Forum, and it should take into account the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from specific countries of origin. Where there is a conflict between the common analysis and UNHCR Eligibility Guidelines, the latter should be carefully taken into account by Member States when examining individual applications for international protection in accordance with the supervisory responsibility of the UNHCR as set out in paragraph 8 of the Statute of the Office of the High Commissioner for Refugees, read in conjunction with Article 35 of the 1951 Convention relating to the Status of Refugees (1951 Convention)</i></b></p> |  |  |
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|  | <p><i>and Article II of the 1967 Protocol relating to the Status of Refugees (1967 Protocol).</i></p> |  |  |
|  |   | <p><b>(11a)</b> [...] To ensure convergence in the assessment of applications for international protection and the [...] <b>type</b> of protection granted, the Agency should, together with Member States, [...] develop a common analysis [...] <b>and</b> guidance <b>notes</b> on the situation in specific countries of origin. <b>The common analysis should consist of a joint assessment of the situation in relevant countries of origin, based on the country of origin information. The guidance notes should be based on a joint interpretation of that common analysis to be carried out in the light of relevant provisions of Union asylum law, in particular the [Qualification Regulation and the Asylum Procedure Regulation]. Without prejudice to Member States' competence for deciding on individual applications, Member States should take into account the specific common analysis and guidance notes when assessing</b></p> |  |

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|   |   | <p><b>applications for international protection from applicants who originate from third countries for which a common analysis and guidance notes have been established in accordance with this Regulation.</b></p>  |  |
| <i>Amendment 12</i>   |   |  |  |
| <p>(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX should be regularly reviewed by the Commission. Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also, at the request of the Commission, provide it with information on specific third countries which could be included in the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply.</p> | <p>(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX<sup>9</sup> should be regularly reviewed by the Commission. Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also [...] provide it with information on specific third countries which could be included in, <i>suspended from or removed from</i> the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply.</p> | <p>[(12) [...] <b>The Commission should regularly review the designation of third countries as safe countries of origin or safe third countries at Union level.</b> Having regard to the Agency's expertise, it should assist the Commission in reviewing [...] <b>those designations.</b> The Agency should also, at the request of the Commission, provide it with information on specific third countries which could be [...] <b>designated as safe countries of origin or safe third countries at Union level.</b>]</p> |  |

*Amendment 13*

(13) To ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, the Agency should organise and coordinate activities promoting Union law. For that purpose, the Agency should assist Member States by developing operational standards and indicators for monitoring compliance with those standards. The Agency should also develop guidelines on asylum-related matters and should enable the exchange of best practices among Member States.

(13) *In order* to [...] *work towards* uniformity *based on high standards* as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, the Agency should organise and coordinate activities promoting Union law. For that purpose, the Agency should assist Member States by developing operational standards and indicators for monitoring compliance with those standards. The Agency should also develop guidelines on asylum-related matters and should enable the exchange of best practices among Member States *in collaboration with the European Union Agency for Fundamental Rights and the UNHCR and following consultation of its Consultative Forum.*

(13) To ensure a high degree of uniformity as regards asylum procedures, reception conditions and the assessment of protection needs across the Union, the Agency should organise and coordinate activities promoting Union law **on asylum through tools of a non-binding nature**. For that purpose, the Agency should assist Member States by developing operational standards and relevant indicators [...]. The Agency should also develop guidelines on asylum-related matters and should enable the exchange of best practices among Member States.

**Amendment 14**

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| <p>(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, make draft recommendations to the Member State concerned outlining the necessary measures to address</p> | <p>(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, <i>international and non-governmental organisations at national or Union level and relevant United Nations (UN) human rights treaty monitoring bodies and Council of Europe human rights monitoring mechanisms</i>, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission,</p> | <p>(14) The European Union Agency for Asylum, in close cooperation with the Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should monitor [...] <b>the operational and technical application of the CEAS [...] with the aim to prevent or identify possible shortcomings in the asylum and reception systems of the Member States and to assess their capacity and preparedness to manage situations of disproportionate pressure, so as to enhance the efficiency of those systems.</b> The monitoring [...] should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. [...] <b>The Executive Director should provide for the possibility for Member States to comment on the draft findings, and subsequently on the draft recommendations. The draft recommendations should be prepared also in</b></p> |  |
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| <p>serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.</p> | <p>make draft recommendations to the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.</p> | <p><b>consultation with the Commission.</b> The Executive Director should [...] <b>submit the findings and</b> the draft recommendations [...], outlining the [...] measures to [...] <b>be taken by the Member State concerned including with the assistance of the Agency as necessary</b> to address [...] <b>any shortcoming [...] and the time-limits within which those measures should be taken,</b> to the Management Board [...] <b>which should adopt the</b> recommendations. <b>The Member State concerned may request specific financial support, and assistance by the Agency for the implementation of the recommendations.</b></p> |  |
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|  |  | <p><b>(14a) The monitoring should take place in close collaboration with the Member State concerned, in particular as regards the on-site visits and case sampling. The case sampling should consist of selecting a number of positive or negative final decisions relevant to a specific aspect of the CEAS that is being monitored, covering a particular period of time and it should be based on objective indications, such as comparative recognition rates of administrative or court decisions. The case sampling should be without prejudice to Member States' competence for deciding on individual applications.</b></p> |  |
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*Amendment 15*

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

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

(15) [...] **Where** the Member State concerned does not take the necessary measures to address the recommendations **within the set period of time** and the shortcomings in the asylum and reception systems are so serious that they [...] **have serious consequences for** the functioning of the CEAS, the Commission should, based on its own assessment of the [...] seriousness of the shortcomings, adopt recommendations addressed to that Member State [...] **identifying** the measures needed to remedy the [...] shortcomings. The Commission may need to organise on-site visits to the Member State concerned to verify the implementation of the [...] **recommendations**. Where necessary, the Commission should also identify [...] **specific** measures that should be taken by the Agency in support of that Member State. If the Member State should remain non-compliant for a certain period of time, the Commission may [...] **make a proposal for a Council implementing act identifying measures to be taken by the**

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| <p>of time, the Commission may take further action requiring the Agency to intervene in support of that Member State.</p> | <p>take further action [...], <i>by means of an implementing act.</i></p> | <p><b>Agency to support the Member State concerned and requiring the Member State to cooperate with the Agency in the implementation of those measures.</b></p> |  |
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*Amendment 16*

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

*Amendment 17*

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

*Amendment 18*

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

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

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

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| <p>well as by assisting national authorities competent for the examination of applications for international protection and by assisting with relocation. The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.</p> | <p><i>including on admissibility of asylum applications</i>, and by assisting with relocation. <b><i>Any decision on applications for international protection should remain, nevertheless, the exclusive competence of the national authorities.</i></b> The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.</p> | <p>authorities competent for the examination of applications for international protection and by assisting with relocation <b>or transfer of applicants or beneficiaries of international protection.</b> The arrangements for the asylum support teams should be governed by this Regulation in order to ensure their effective deployment.</p> |  |
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*Amendment 19*

*(16 a) Experts deployed in asylum support teams must have successfully concluded the thematic and specialist training relevant to their duties and functions prior to their participation in operational activities. Experts from the Agency's own staff should be involved in the examination of applications for international protection only where they can demonstrate relevant experience of at least one year as a caseworker in the asylum administration of a Member State or as a UNHCR protection officer. Any activity undertaken by members of the asylum support teams should fully comply with the Charter, in particular Article 18 on the right to asylum.*

*Amendment 20*

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

*Amendment 21*

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| <p>(17) In cases where a Member State's asylum and reception systems are subject to disproportionate pressure that places exceptionally heavy and urgent demands on their asylum or reception systems, the European Union Agency for Asylum should assist that Member State upon request or on the Agency's own initiative, by means of a comprehensive set of measures, including the deployment of experts from the asylum intervention pool. To ensure the availability of those experts and their immediate deployment, the asylum intervention pool should constitute a reserve of experts from Member States amounting to a minimum of 500 persons. The Agency should itself be able to intervene in support of a Member State where despite the disproportionate pressure, the Member State concerned does not request for sufficient assistance from the Agency or the Member State does not take sufficient action to address that pressure with the consequence that the asylum and</p> | <p>(17) In cases where a Member State's asylum and reception systems are subject to exceptionally heavy and urgent demands, the European Union Agency for Asylum should assist that Member State upon request or on the Agency's own initiative, by means of a comprehensive set of measures, including the deployment of experts from the asylum intervention pool. To ensure the availability of those experts and their immediate deployment, the asylum intervention pool should constitute a reserve of experts from Member States amounting to a minimum of 500 persons. The Agency should itself be able to intervene in support of a Member State where despite the <i>existence of a very high influx of asylum applicants</i>, the Member State concerned does not request for sufficient assistance from the Agency or the Member State does not take sufficient action to address that pressure with the consequence that the asylum and reception systems would be ineffective to the extent of jeopardising the functioning of the CEAS. A <i>very high</i> number of applications for international protection</p> | <p>(17) In cases where a Member State's asylum and reception systems are subject to disproportionate pressure [...], the European Union Agency for Asylum should assist that Member State upon request or on the Agency's own initiative, by means of a comprehensive set of measures, including the deployment of experts from the asylum [...] <b>reserve pool</b>. To ensure the availability of those experts and their immediate deployment, the asylum intervention pool should constitute a reserve of experts from Member States amounting to a minimum of 500 persons. The Agency should itself be able to intervene in support of a Member State where despite the disproportionate pressure <b>that places exceptionally heavy and urgent demands on its asylum or reception systems</b>, the Member State [...] does not [...] take sufficient action, <b>including by not requesting or accepting assistance to address that pressure</b>, with the consequence that the asylum and reception systems would be ineffective to the extent of [...]</p> |  |
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| <p>reception systems would be ineffective to the extent of jeopardising the functioning of the CEAS. A disproportionate number of applications for international protection for which a Member States is responsible may be an indication of disproportionate pressure.</p> | <p>for which a Member <i>State</i> is responsible may be an indication of disproportionate pressure.</p> | <p><b>having serious consequences for the functioning of the CEAS. A situation of disproportionate pressure may be characterised by a sudden and massive influx of third-country nationals of such an extent that it would place extreme pressure even on well-prepared asylum and reception systems or a high risk of sudden and massive influx of third-country nationals requiring immediate action.</b> A disproportionate number of applications for international protection for which a Member States is responsible may <b>also</b> be an indication of disproportionate pressure.</p> |  |
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| <p>(18) To ensure that the asylum support teams or the experts deployed from the asylum intervention pool are able to perform their tasks effectively with the means necessary, the European Union Agency for Asylum should be able to acquire or lease its own technical equipment. This should, however, not affect the obligation of Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance. Any acquisition or leasing of equipment should be subject to a thorough needs and cost/benefit analysis by the Agency.</p> |  | <p>(18) To ensure that the asylum support teams [...], <b>including those</b> deployed from the asylum reserve pool are able to perform their tasks effectively with the means necessary, the European Union Agency for Asylum should be able to acquire or lease its own technical equipment. This should, however, not affect the obligation of <b>the host</b> Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance. Any acquisition or leasing of equipment should be subject to a thorough needs and cost/benefit analysis by the Agency.</p> |  |
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*Amendment 22*

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| <p>(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and assist in the better relocation of beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.</p> | <p>(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and [...] <b><i>perform its tasks and obligations with regard to the relocation or transfer of applicants for and</i></b> of beneficiaries of international protection <b><i>within the Union</i></b>, while ensuring that asylum and reception systems are [...] <b><i>correctly developed and implemented including within the framework of Regulation (EU) xxx/xxx (Dublin Regulation)</i></b>.</p> | <p>(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union and assist in the better relocation <b>or transfer</b> of <b>applicants or</b> beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.</p> |  |
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*Amendment 23*

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| <p>(20) At particular areas of the external borders where Member States face disproportionate migratory pressures characterised by large influxes of mixed migratory flows, referred to as hotspot areas, the Member States should be able to rely on increased operational and</p> | <p>(20) [...] Member States should be able to rely on increased operational and technical reinforcement by migration management support teams composed of teams of experts from Member States deployed through the European Union Agency for Asylum, the European Agency for the</p> | <p>(20) At particular areas [...] where <b>the host</b> Member States [...], <b>the Commission, relevant Union Agencies cooperate with the aim of managing a</b> disproportionate migratory <b>pressure</b> characterised by [...] <b>a significant increase in the numbers of</b> mixed migratory flows,</p> |  |
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| <p>technical reinforcement by migration management support teams composed of teams of experts from Member States deployed through the European Union Agency for Asylum, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and Europol or other relevant Union agencies, as well as experts from the staff of the European Union Agency for Asylum and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. The Agency should ensure coordination of its activities in the migration management support teams with the Commission and the other relevant Union agencies.</p> | <p>Management of Operational Cooperation at the External Borders of the Member States of the European Union and Europol or other relevant Union agencies, as well as experts from the staff of the European Union Agency for Asylum and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. The Agency should ensure coordination of its activities in the migration management support teams with the Commission and the other relevant Union agencies. <i>Any activity undertaken by members of the migration management support teams should fully comply with the Charter, in particular Article 18 on the right to asylum.</i></p> | <p>referred to as hotspot areas, the Member States should be able to rely on increased operational and technical reinforcement by migration management support teams composed of teams of experts from Member States deployed through the European Union Agency for Asylum, the European [...] <b>Border and Coast Guard Agency</b> and Europol or other relevant Union <b>bodies, offices and</b> agencies, as well as experts from the staff of the European Union Agency for Asylum and the European [...] <b>Border and Coast Guard Agency</b>. The Agency should ensure coordination of its activities in the migration management support teams with the Commission and the other relevant Union <b>bodies, offices and</b> agencies.</p> |  |
| <i>Amendment 24</i>   |   |   |  |
|   | <p><i>(20 a) The Agency should report on its activities to the European Parliament and to the Council to the fullest extent possible.</i></p>   |   |  |

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| <p>(21) For the purpose of fulfilling its mission, and to the extent required for the accomplishment of its tasks, the European Union Agency for Asylum should cooperate with Union bodies, agencies and offices, in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and the European Union Agency for Fundamental Rights, in matters covered by this Regulation in the framework of working arrangements concluded in accordance with Union law and policy. Those working arrangements should receive the Commission's prior approval.</p> |  | <p>(21) For the purpose of fulfilling its mission, and to the extent required for the accomplishment of its tasks, the European Union Agency for Asylum should cooperate with Union bodies, [...] offices <b>and agencies</b>, in particular with the European [...] <b>Border and Coast Guard Agency</b> and the European Union Agency for Fundamental Rights, in matters covered by this Regulation in the framework of working arrangements concluded in accordance with Union law and policy. Those working arrangements should receive the Commission's prior approval.</p> |  |
| <p>(22) The European Union Agency for Asylum should cooperate with the European Migration Network, established by Council Decision 2008/381/EC, to ensure synergies and avoid duplication of activities.</p>   |  | <p>(22) The European Union Agency for Asylum should cooperate with the European Migration Network, established by Council Decision 2008/381/EC<sup>4</sup>, to ensure synergies and avoid duplication of activities.</p>   |  |

*Amendment 25*

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

(23) The European Union Agency for Asylum should cooperate with international *and non-governmental* organisations, in particular the UNHCR in matters covered by this Regulation in the framework of working arrangements so as to benefit from their expertise and support. To that end, the roles of UNHCR and the other relevant international *and non-governmental* organisations should be fully recognised and those organisations should be involved in the work of the Agency. The working arrangements should receive the Commission's prior approval.

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

*Amendment 26*

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

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

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

*Amendment 27*

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

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

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

*Amendment 28*

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

(26) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. All activities of the European Union Agency for Asylum shall be carried out in full respect of these fundamental rights and principles, including the right to asylum, the protection from *refoulement*, the right to respect for private and family life, the ***right to family reunification***, the right to protection of personal data, ***the right to access to justice*** and the right to an effective remedy ***in accordance with Union and international law***. The rights of the child and the special needs of vulnerable persons [...] ***should*** always be taken into account ***in accordance with Union and international law***. ***For this reason, the Agency should fulfil its prerogatives respecting the best interests of the child, in compliance with the UN Convention on the Rights of the Child, taking due account of the minor's well-being and social development, safety and security considerations and the views of the***

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

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|                     | <i>minor in accordance with his or her age and maturity.</i>   |  |  |
| <b>Amendment 29</b> |  |  |  |
|                     | <i>(26a) Vulnerable persons under this Regulation should be taken to mean, inter alia, minors (including unaccompanied minors), disabled people, elderly people, pregnant women, single parents with children, victims of human trafficking, torture, rape or other serious forms of psychological, physical or sexual violence, (such as victims of female genital mutilation), persons with post-traumatic stress disorder, (in particular survivors of shipwrecks), persons with serious illnesses and persons with mental disorders. It is also possible to take risks arising as a result of gender, sexual orientation or gender identity into account in assessing vulnerability.</i> |  |  |

| <i>Amendment 30</i> |  |  |  |
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|                     | <i>(26b) An independent Fundamental Rights Officer should be appointed to promote the respect for fundamental rights within the Agency, including by drawing up the Agency's Fundamental Rights Strategy and by handling complaints received by the Agency under the complaints mechanism.</i>   |  |  |
| <i>Amendment 31</i> |  |  |  |
|                     | <i>(26c) The operating procedures and methods established by the European Union Agency for Asylum should facilitate, where relevant, the involvement of Member States, Union agencies and external experts, in particular from the UNHCR and non-governmental organisations, in the development of, inter alia, training materials, country of origin reports, guidelines, operational standards and best practices as referred to in Articles 7, 8, 9, 10, 11 and 12.</i> |  |  |

*Amendment 32*

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

(27) The Commission, the Member States **and the European Parliament** should be represented on the Management Board of the European Union Agency for Asylum in order to exercise a policy and political oversight over its workings. The Management Board should, where possible, consist of the operational heads of the Member States' asylum administrations or their representatives. It should be given the necessary powers, in particular to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision-making by the Agency [...]. The Agency should be governed and operated in line with the principles of the Common Approach on Union decentralised agencies adopted on 19 July 2012 by the European Parliament, the Council and the European Commission.

(27) The Commission and the Member States should be represented on the Management Board of the European Union Agency for Asylum in order to exercise a policy and political oversight over its workings. The Management Board should, where possible, consist of the operational heads of the Member States' asylum administrations or their representatives. **All parties represented in the Management Board should make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. [...]** **The Management Board** should be given the necessary powers, in particular to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision-making by the Agency, and appoint an Executive Director and Deputy Executive Director. The Agency should be governed and operated in line with the principles of the Common Approach on Union decentralised agencies adopted on

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|   |  | 19 July 2012 by the European Parliament, the Council and the European Commission.   |  |
| (28) In order to ensure uniform conditions for the implementation of this Regulation, in particular as regards situations requiring urgent action at the external borders, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.            |  | (28) <i>deleted</i>   |  |
| (29) The European Union Agency for Asylum should be independent as regards operational and technical matters and it should enjoy legal, administrative and financial autonomy. To that end, it is necessary and appropriate that the Agency should be a body of the Union having legal personality and exercising the implementing powers conferred upon it by this Regulation. |  | (29) The European Union Agency for Asylum should be independent as regards operational and technical matters and it should enjoy legal, administrative and financial autonomy. To that end, it is necessary and appropriate that the Agency should be a body of the Union having legal personality and exercising the implementing powers conferred upon it by this Regulation. |  |

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| <p>(30) In order to guarantee the autonomy of the European Union Agency for Asylum, it should have its own budget, most of which comes essentially from a contribution from the Union. The financing of the Agency should be subject to an agreement by the budgetary authority as set out in point 31 of the Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management. The Union budgetary procedure should be applicable to the Union's contribution and to any grant chargeable to the general budget of the European Union. The auditing of accounts should be undertaken by the Court of Auditors.</p> |  | <p>(30) In order to guarantee the autonomy of the European Union Agency for Asylum, it should have its own budget, most of which comes essentially from a contribution from the Union. The financing of the Agency should be subject to an agreement by the budgetary authority as set out in point 31 of the Inter-institutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management.<sup>6</sup> The Union budgetary procedure should be applicable to the Union's contribution and to any grant chargeable to the general budget of the European Union. The auditing of accounts should be undertaken by the Court of Auditors.</p> |  |
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| <p>(31) Any financial resources made available by the Agency under the form of grants, delegated agreements or form of contract in accordance with this Regulation should not result in double financing with other national, European or international sources.</p>  |  | <p>(31) Any financial resources made available by the Agency under the form of grants, delegated agreements or form of contract in accordance with this Regulation should not result in double financing with other national, European or international sources.</p>  |  |
| <p>(32) Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42) should apply to the European Union Agency for Asylum.</p> |  | <p>(32) Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42) should apply to the European Union Agency for Asylum.</p> |  |

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| <p>(33) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council should apply without restriction to the European Union Agency for Asylum, which should accede to the Inter-institutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office.</p> |  | <p>(33) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>7</sup> should apply without restriction to the European Union Agency for Asylum, which should accede to the Inter-institutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office.<sup>8</sup></p> |  |
| <p>(34) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents should apply to the European Union Agency for Asylum.</p>   |  | <p>(34) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>9</sup> should apply to the European Union Agency for Asylum.</p>  |  |

*Amendment 33*

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

(35) Any processing of personal data by the European Union Agency for Asylum within the framework of this Regulation should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council, and should respect the principles of necessity and proportionality.<sup>10</sup> The Agency may process personal data to perform its tasks of providing operational and technical assistance to Member States, to facilitate the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust [...] for administrative purposes. Any further processing of retained personal data for purposes other than those set out in this Regulation should be prohibited.

(35) Any processing of personal data by the European Union Agency for Asylum within the framework of this Regulation should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council, and should respect the principles of necessity and proportionality.<sup>10</sup> The Agency may process personal data to perform its tasks of providing operational and technical assistance to Member States, to facilitate the exchange of information with Member States, the European [...] **Border and Coast Guard Agency**, Europol or Eurojust, to **analyse** information on the situation of asylum and for administrative purposes. Any further processing of retained personal data for purposes other than those set out in this Regulation should be prohibited.

*Amendment 34*

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

(36) Regulation (EU) **No 2016/679** of the European Parliament and of the Council <sup>11</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data applies to the processing of personal data by the Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying competent authorities of the Member States for the purposes of the prevention, investigation, detection or prosecution of terrorist offences or of other serious criminal offences including the safeguarding against and the prevention of threats to public security.

(36) Regulation (EU) **No 2016/679** of the European Parliament and of the Council **of 26 April 2016**<sup>11</sup> 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)** applies to the processing of personal data by the Member States carried out in application of this Regulation unless such processing is carried out by the designated or verifying competent authorities of the Member States for the purposes of the prevention, investigation, detection or prosecution of terrorist offences or of other serious criminal offences including the safeguarding against and the prevention of threats to public security.

*Amendment 35*

(37) Directive 2016/XXX/EU of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data applies to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation.

(37) Directive **2016/680/EU** of the European Parliament and of the Council <sup>12</sup> on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data applies to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation.

(37) Directive **(EU) 2016/680** of the European Parliament and of the Council <sup>12</sup> **of 27 April 2016** on the protection of [...] **natural persons** with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, **and repealing Council Framework Decision 2008/977/JHA** applies to the processing of personal data by competent authorities of the Member States for the purposes of the prevention, investigation detection or prosecution of terrorist offences or of other serious criminal offences pursuant to this Regulation.

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| <p>(38) The rules set out in Regulation (EU) No XXX/2016 regarding the protection of the rights and freedoms of individuals, notably their right to the protection of personal data concerning them, with regard to the processing of personal data should be specified in respect of the responsibility for the processing of the data, of safeguarding the rights of data subjects and of the supervision of data protection, in particular as far as certain sectors are concerned.</p> |  | <p>(38) The rules set out in Regulation (EU) No <b>2016/679</b> regarding the protection of the rights and freedoms of individuals, notably their right to the protection of personal data concerning them, with regard to the processing of personal data should be specified in respect of the responsibility for the processing of the data, of safeguarding the rights of data subjects and of the supervision of data protection, in particular as far as certain sectors are concerned.</p> |  |
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*Amendment 36*

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| <p>(39) The Agency should process personal data only for the purposes of performing its tasks of providing operational and technical assistance, when carrying out case sampling for the purposes of the monitoring exercise, possibly handling applications for international protection from children or vulnerable persons, facilitating the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust and in the framework of information obtained when performing its tasks in the migration management support teams at hotspots, and for analysing information on the situation of asylum. Any processing of personal data should respect the principle of proportionality and be strictly limited to personal data necessary for these purposes.</p> | <p>(39) The Agency should process personal data only for the purposes of performing its tasks of providing operational and technical assistance, when carrying out case sampling for the purposes of the monitoring exercise, possibly handling applications for international protection [...], facilitating the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust and in the framework of information obtained when performing its tasks in the migration management support teams at hotspots [...]. Any processing of personal data should respect the principle of proportionality and be strictly limited to personal data necessary for these purposes.</p> | <p>(39) The Agency should process personal data only for the purposes of performing its tasks of providing operational and technical assistance, when carrying out case sampling for the purposes of the monitoring exercise, possibly handling applications for international protection from children or vulnerable persons, facilitating the exchange of information with Member States, the European [...] <b>Border and Coast Guard Agency</b>, Europol or Eurojust and in the framework of information obtained when performing its tasks in the migration management support teams at hotspots, and for analysing information on the situation of asylum. Any processing of personal data should respect the principle of proportionality and be strictly limited to personal data necessary for these purposes.</p> |  |
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*Amendment 37*

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| <p>(40) Any personal data that the Agency processes, except those processed for administrative purposes, should be deleted after 30 days. A longer storage period is not necessary for the purposes for which the Agency processes personal data within the framework of this Regulation;</p> | <p>(40) Any personal data that the Agency processes, except those processed for administrative purposes, should be deleted after <b>45</b> days. A longer storage period is not necessary for the purposes for which the Agency processes personal data within the framework of this Regulation;</p> | <p>(40) Any personal data that the Agency processes, except those processed for administrative purposes, should be deleted after 30 days. A longer storage period is not necessary for the purposes for which the Agency processes personal data within the framework of this Regulation.</p> |  |
| <p>(41) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on [...].</p>   |  | <p>(41) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on 21 September 2016.<sup>13</sup></p>  |  |

*Amendment 38*

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

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

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

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| accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.  | Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives. | accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.  |  |
| (43) <i>[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]</i> |   | (43) <i>[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]</i> |  |
| OR   |   | OR   |  |

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| <p><i>[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.]</i></p>  |  | <p><i>[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.]</i></p>  |  |
| <p>OR</p>  |  | <p>OR</p>  |  |
| <p><i>[(XX) 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.</i></p> |  | <p><i>[(XX) 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.</i></p> |  |

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| <p><i>(XX) 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.]</i></p>            |  | <p><i>(XX) 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.]</i></p>            |  |
| <p>OR</p>   |  | <p>OR</p>   |  |
| <p><i>[(XX) 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.</i></p> |  | <p><i>[(XX) 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.</i></p> |  |

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| <p><i>(XX) 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.]</i></p> |  | <p><i>(XX) 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.]</i></p> |  |
| <p>(44) In accordance with Articles 1 and 2 of the Protocol (No 22) on the Position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it nor is it subject to its application.</p>   |  | <p>(44) In accordance with Articles 1 and 2 of the Protocol (No 22) on the Position of Denmark, annexed to the Treaties, Denmark is not taking part in the adoption of this Regulation and is not bound by it nor is it subject to its application.</p>   |  |

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| <p>(45) Taking into account that Denmark has until now contributed to the practical cooperation between Member States within the area of asylum, the Agency should facilitate operational cooperation with Denmark. To that end, a Danish representative should be invited to participate in all the meetings of the Management Board, without the right to vote.</p> |   | <p>(45) Taking into account that Denmark has until now contributed to the practical cooperation between Member States within the area of asylum, the Agency should facilitate operational cooperation with Denmark. To that end, a Danish representative should be invited to participate in all the meetings of the Management Board, without the right to vote.</p> |  |
| <i>Amendment 39</i>   |   |   |  |
| <p>(46) The competence to take decisions by Member States' asylum authorities on individual applications for international protection remains with Member States.</p>   | <p>(46) The competence to take decisions by Member States' asylum authorities on individual applications for international protection remains with Member States. <i>This does not preclude, however, the joint processing of applications for individual protection by a Member State and the Agency at the request of the Agency and within the framework set out in an operational plan agreed between the host Member State and the Agency.</i></p> | <p>(46) The competence [...] of Member States' asylum authorities <b>to take a decision</b> on individual applications for international protection [...] <b>should remain unaffected.</b></p>  |  |

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| <p>(47) This Regulation aims to amend and expand the provisions of Regulation (EU) No 439/2010 of the European Parliament and of the Council. Since the amendments to be made are of a substantial nature, that act should, in the interests of clarity, be replaced and repealed. References to the repealed regulation should be construed as references to this Regulation.</p> |  | <p>(47) This Regulation aims to amend and expand the provisions of Regulation (EU) No 439/2010 of the European Parliament and of the Council. Since the amendments to be made are of a substantial nature, that act should, in the interests of clarity, be replaced and repealed. References to the repealed regulation should be construed as references to this Regulation.</p> |  |
| <p>HAVE ADOPTED THIS REGULATION:</p>   |  | <p>HAVE ADOPTED THIS REGULATION:</p>   |  |

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| <p style="text-align: center;"><b>CHAPTER 1<br/>THE EUROPEAN UNION<br/>AGENCY FOR ASYLUM</b></p>   |   | <p style="text-align: center;"><b>CHAPTER 1<br/>THE EUROPEAN UNION<br/>AGENCY FOR ASYLUM</b></p>   |  |
| <p style="text-align: center;"><i>Article 1</i><br/>Subject-matter and scope</p>   |   | <p style="text-align: center;"><i>Article 1</i><br/>Subject-matter and scope</p>   |  |
| <b>Amendment 40</b>  |   |  |  |
| <p>1. The European Union Agency for Asylum (the Agency) shall ensure the efficient and uniform application of Union asylum law in Member States. It shall facilitate the implementation and improve the functioning of the Common European Asylum System (CEAS), and it shall be responsible for enabling convergence in the assessment of applications for international protection across the Union.</p> | <p>1. The European Union Agency for Asylum (the Agency) shall [...] <b>contribute to ensuring</b> the efficient and uniform application of Union asylum law in Member States. It shall facilitate the implementation and improve the functioning of the Common European Asylum System (CEAS), and it shall be responsible for enabling convergence in the assessment of applications for international protection across the Union, <b>in full compliance with fundamental rights, with a view to guaranteeing high standards across the Union.</b></p> | <p>1. The European Union Agency for Asylum (the Agency) shall [...] <b>contribute to ensuring</b> the efficient and uniform application of Union asylum law in Member States. [...] <b>The Agency shall support Member States in</b> the implementation [...] of the Common European Asylum System (CEAS), [...] <b>including by</b> enabling convergence in the assessment of applications for international protection across the Union <b>and it shall improve the functioning of the CEAS by providing operational and technical assistance to Member States, in particular where their asylum and receptions systems are under disproportionate pressure.</b></p> | <p><u>Updated compromise proposal by the Rapporteur:</u></p> <p>1. The European Union Agency for Asylum (the Agency) shall contribute to ensuring the efficient and uniform application of Union law in Member States <b>in full respect for fundamental rights and with a view to guaranteeing high protection standards across the Union.</b> The Agency shall support, <b>facilitate and coordinate</b> the activities of Member States in the implementation of the Common European Asylum System (CEAS), including by enabling convergence in the assessment of applications for international protection across the Union. <b>The Agency shall coordinate and strengthen practical</b></p> |

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|  |  | <p><b>cooperation and information exchange.</b> <i>The Agency</i> shall improve the functioning of the CEAS, <b><i>including by monitoring and</i></b> by providing operational and technical assistance to Member States, in particular where their asylum and reception systems are under disproportionate pressure.</p> <p><u>Compromise proposal by the Council:</u></p> <p>“The European Union Agency for Asylum (the Agency) shall [...] <b>contribute to ensuring</b> the efficient and uniform application of Union [...] law in Member States <b>in full respect for fundamental rights.</b> [...] <b>The Agency</b> shall facilitate <b>and support the activities of Member States in</b> the implementation [...] of the Common European Asylum System (CEAS), [...] <b>including by</b> enabling convergence in the assessment of applications for international protection across the Union. <b>The Agency shall coordinate and strengthen practical cooperation and</b></p> |
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|   |   |  | <b>information exchange. The Agency shall improve the functioning of the CEAS, including by providing operational and technical assistance to Member States, in particular where their asylum and reception systems are under disproportionate pressure.”</b>   |
| 2. The Agency shall be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate. | 2. The Agency shall be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it <i>collects and</i> disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate. | 2. The Agency should be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate. | <u>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</u><br><br>2. The Agency shall be a centre of expertise by virtue of its independence, the scientific and technical quality of the assistance it provides and the information it <i>collects and</i> disseminates, the transparency of its operating procedures and methods, its diligence in performing the duties assigned to it, and the information technology support needed to fulfil its mandate. |

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| <p>3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.</p> | <p>3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.</p> | <p>3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.</p> | <p><u>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</u><br/> 3. The European Union Agency for Asylum shall be the new name for the European Asylum Support Office established by Regulation (EU) No 439/2010 of the European Parliament and of the Council. The activities of the Agency shall henceforth be based on this Regulation.</p> |
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*Amendment 41*

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|  | <b>Article 1a<br/>Definitions</b>  |  |  |
|  | <i>For the purposes of this Regulation, the following definitions apply:</i>   |  |  |
|  | <i>1. 'migration management support team' means a team of experts which provide technical and operational reinforcement to Member States at hotspot areas and which is composed of experts deployed from Member States by the European Border and Coast Guard Agency and by the European Union Agency for Asylum, and from the European Border and Coast Guard Agency, the European Union Agency for Asylum, Europol or other relevant Union agencies;</i> |  |  |
|  | <i>2. 'hotspot area' means a hotspot area as defined in point (10) of Article 2 of Regulation (EU) No 2016/1624;</i>   |  |  |

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|  | <p><i>3. 'host Member State' means a Member State which receives operational and technical assistance by the Agency, in particular a Member State in which an asylum support team or experts from the asylum intervention pool and experts from the Agency's staff, or a migration management support team is deployed;</i></p> |  |  |
|  | <p><i>4. 'home Member State' means a Member State which makes an expert available or contributes to the asylum support teams, asylum intervention pool or migration management support teams;</i></p>   |  |  |
|  | <p><i>5. 'participating Member State' means a Member State which participates in operational and technical assistance provided by the Agency, as defined in the relevant operational plan, through the provision of experts or of technical equipment;</i></p>  |  |  |

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|  | <i>6. 'joint processing' means support in the procedure for examining individual applications for international protection, which does not include the decision-making process of Member States' asylum authorities on such individual applications.</i> |  |  |
| Article 2<br>Tasks   |  | Article 2<br>Tasks   |  |
| <b>Amendment 42</b>  |  |  |  |
| 1. The Agency shall perform the following tasks:   | 1. The Agency shall <i>support, facilitate, coordinate and strengthen practical cooperation, information exchange and the implementation of the CEAS, including fundamental rights compliance, by performing</i> the following tasks:                    | 1. <b>For the purposes of Article 1,</b> the Agency shall perform the following tasks:   | Working on the basis of the CNS text, pending agreement on Article 1(1):<br><br>1. <b>For the purposes of Article 1,</b> the Agency shall perform the following tasks: |
| (a) facilitate, coordinate and strengthen practical cooperation and information exchange among Member States on various aspects of asylum; | <i>deleted</i>   | (a) facilitate, coordinate and strengthen practical cooperation and information exchange among Member States on [...] <b>the asylum and reception systems;</b> | Under discussion- also linked with Article 2 chapeau and agreement on Article 1(1)   |

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| (b) gather and analyse information on the situation of asylum and on the implementation of the CEAS;  | (b) gather and analyse information, <b><i>including qualitative and quantitative data</i></b> , on the situation of asylum and on the implementation of the CEAS;  | (b) gather and analyse information on the situation of asylum and on the implementation of the CEAS;  | <u>Proposal by the Rapporteur</u><br>(b) gather and analyse information <b><i>of a qualitative and quantitative nature</i></b> on the situation of asylum and on the implementation of the CEAS;  |
| (c) support Member States in implementing the CEAS;   | (c) support Member States in implementing the CEAS;  | (c) support Member States [...] <b>when carrying out their tasks and obligations in the framework of</b> the CEAS;  | Under discussion  |
| (d) assist Member States on training of experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including the development of a common core curriculum; | (d) assist Member States on training <b><i>or provide training to Member States'</i></b> experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including <b><i>through the establishment and</i></b> development of a common core curriculum; | (d) assist Member States on training of experts from relevant national administrations, courts and tribunals, and national [...] <b>authorities</b> responsible for asylum matters, including through the development of a [...] <b>European asylum</b> curriculum; | <u>Outcome of trilogue 8/3/2017-confirmed by trilogue 21/3/2017</u><br><br>(d) assist Member States on training <b><i>and, where appropriate, provide training to Member States'</i></b> experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including <b><i>through the</i></b> development of a <b>European asylum</b> curriculum; |

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| (e) draw up and regularly update reports and other documents providing for information on countries of origin at the level of the Union; | (e) draw up and regularly update reports and other documents providing for information on countries of origin at the level of the Union; | (e) draw up and regularly update reports and other [...] <b>products</b> providing for information on <b>the situation in relevant third countries, including</b> countries of origin, at the level of the Union; | Under discussion - linked with Articles 8-11   |
|  |  | <b>(ee) set up and coordinate European networks on third country information;</b>   | Under discussion - linked with Articles 8-11   |
| (f) coordinate efforts among Member States to engage in and develop a common analysis of the situation in third countries of origin;     | (f) coordinate efforts among Member States to engage in and develop a common analysis of the situation in third countries of origin;     | (f) <b>organise activities and</b> coordinate efforts among Member States to [...] develop a common analysis of <b>and guidance notes on</b> the situation in [...] countries of origin;                          | Under discussion - linked with Articles 8-11   |
|  |  | <b>[(ff) assist the Commission in the assessment and designation of third countries as safe countries of origin and safe third countries at Union level; ]</b>  | Under discussion - linked with Articles 8-11<br><br>Please note that this text is in square brackets in the Council text. Therefore, Council does not have a mandate to negotiate and discuss this text with the EP yet. |

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| (g) provide effective operational and technical assistance to Member States, in particular when they are subject to disproportionate pressure on their asylum and reception systems; | (g) provide effective operational and technical assistance to Member States, <b><i>with a view to guaranteeing high standards and respect of fundamental rights</i></b> , in particular when they are subject to disproportionate pressure on their asylum and reception systems; | (g) provide effective operational and technical assistance to Member States, in particular when they are subject to disproportionate pressure on their asylum and reception systems;  | Under discussion   |
| (h) assist with the relocation or transfer of beneficiaries of international protection within the Union;  | (h) assist [...], <b><i>carry out or coordinate</i></b> the relocation or transfer of beneficiaries of <b><i>and applicants for</i></b> international protection within the Union;  | [ <b>(h) carry out the tasks and obligations set out in Regulation (EU) No XXX/XXX [the Dublin Regulation]</b> and assist with the relocation or transfer of <b>applicants or</b> beneficiaries of international protection within the Union; ] | Under discussion<br><br>Please note that this text is in square brackets. Therefore, Council does not have a mandate to negotiate and discuss this text with the EP yet. |
| (i) set up and deploy asylum support teams and an asylum intervention pool;  | (i) set up and deploy asylum support teams and an asylum intervention pool;   | (i) set up and deploy asylum support teams [...];   | Under discussion - link with operational and technical assistance (articles 16 et al.)   |
|  |   | (ii) set up an asylum reserve pool;   | Under discussion - link with operational and technical assistance (articles 16 et al.)   |
|  | <b><i>(i a) perform its tasks and obligations as set out in Regulation (EU) xxx/xxx [Dublin Regulation];</i></b>  |   |  |

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| (j) deploy the necessary technical equipment for the asylum support teams and the experts from the asylum intervention pool;                              | (j) <b>acquire and</b> deploy the necessary technical equipment for the asylum support teams and deploy the experts from the asylum intervention pool;                                 | (j) deploy the necessary technical equipment for the asylum support teams [...];  | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>(j) <b>acquire and</b> deploy the necessary technical equipment for the asylum support teams and deploy the experts from the asylum intervention pool; |
| (k) establish operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum; | (k) establish operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum;                              | (k) develop, <b>in cooperation with Member States</b> , operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum;       | <u>Proposal by the Rapporteur:</u><br><br>(k) <b>develop</b> operational standards, indicators, guidelines and best practices in regard to the implementation of all instruments of Union law on asylum;                |
|   | <i>(k a) deploy liaison officers in Member States and, where appropriate, third countries;</i>   |   | Under discussion - link with Articles 14a and 35a   |
| (l) monitor and assess the implementation of the CEAS as well as the asylum and reception systems of Member States;                                       | (l) monitor, assess <b>and issue recommendations in respect of</b> the implementation of the CEAS as well as the asylum and reception systems and reception capacity of Member States; | (l) monitor [...] <b>the operational and technical application</b> of the CEAS [...] <b>with a view to assisting Member States to enhance the efficiency of their</b> asylum and reception systems [...]; | Under discussion - link with monitoring (Article 13 et al)  |

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| <p>(m) support Member States in their cooperation with third countries in matters related to asylum, in particular as regards resettlement.</p> | <p>(m) support Member States in their cooperation with third countries in matters related to asylum, in particular as regards resettlement;</p> | <p>(m) support Member States in their cooperation with third countries in matters related to [...] <b>the external dimension of the CEAS, [including by carrying out the tasks and obligations set out in Regulation (EU) No XXX/XXX [Union Resettlement Framework Regulation].</b></p> |   |
|   | <p><i>(m a) assist Member States with regard to humanitarian visas;</i></p>   |   | <p>Under discussion</p>   |
|   | <p><i>(m b) perform its tasks and obligations as set out in Regulation (EU) xxx/xxx [Union Resettlement Framework]</i></p>                      |   | <p>Under discussion</p> <p>Please note that this text is in square brackets. Therefore, Council does not have a mandate to negotiate and discuss this text with the EP yet.</p> |

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| <p>2. The Agency shall support Member States in relation to the external dimension of the CEAS. In this regard, and in agreement with the Commission, the Agency shall coordinate the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS.</p> | <p>2. The Agency shall support Member States in relation to the external dimension of the CEAS. In this regard, and in agreement with the Commission, the Agency shall coordinate the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the CEAS, <i>in particular issues concerning access to asylum and resettlement and the promotion of high standards of reception.</i></p>   | <p>2. <i>deleted</i></p> | <p>Under discussion</p> |
|  | <p><i>2a. In order to perform the tasks referred to in paragraphs 1 and 2, the Agency shall work in close cooperation with the UNHCR, relevant intergovernmental organisations, such as the Council of Europe and the International Organisation for Migration, and relevant non-governmental organisations, researchers and academics, and shall take into account information made available by them, as appropriate, including within the framework of the Consultative Forum referred to in Article 48.</i></p> |                          | <p>Under discussion</p> |

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| <p>3. The Agency may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.</p> | <p>3. The Agency [...] <i>shall</i> engage in communication activities on its own initiative in the fields within its mandate. <b><i>It shall provide the public with accurate and comprehensive information about its activities.</i></b> Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.</p> | <p>3. The Agency may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.</p> | <p>Under discussion</p> |
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|  |  | <i>Article 2a</i><br><b>National contact points for communication</b>  |  |
|  |  | <b>Each Member State shall appoint at least one national contact point for communication with the Agency on matters relating to its tasks listed in Article 2.</b> | Clarification as to relation with Article 24 (contact points on operational and technical assistance):<br>During the technical meeting, Council explained that each Member State has to appoint a national contact point with whom the Agency can communicate on matters relating to operational and technical assistance (Article 24). This same national contact point can also cover communication with the Agency on other matters relating to Article 2 on tasks of the Agency. The Member State can either go for that option or else can appoint another national contact point for matters related to Article 2. |

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| <p style="text-align: center;"><b>CHAPTER 2<br/>PRACTICAL COOPERATION<br/>AND INFORMATION ON<br/>ASYLUM</b></p>   |   | <p style="text-align: center;"><b>CHAPTER 2<br/>PRACTICAL COOPERATION<br/>AND INFORMATION ON<br/>ASYLUM</b></p>  |   |
| <p style="text-align: center;"><i>Article 3</i><br/>Duty to cooperate in good faith and<br/>exchange information</p>  |   | <p style="text-align: center;"><i>Article 3</i><br/>Duty to cooperate in good faith and<br/>exchange information</p>   |   |
| <i>Amendment 43</i>   |   |  |   |
| <p>1. The Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall be subject to a duty to cooperate in good faith and an obligation to exchange information.</p> | <p>1. The Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall be subject to a duty to cooperate in good faith and an obligation to exchange <i>all relevant</i> information <i>on a regular basis</i>.</p> | <p>1. The Agency and the Member States' [...] authorities <b>responsible for asylum and immigration</b> and other relevant services shall [...] cooperate in good faith and [...] <b>exchange information as specified in this Regulation</b>.</p> | <p><i>Confirmed by trilogue of 2 May:</i><br/>1. The Agency and the Member States' [...] authorities <b>responsible for asylum and immigration</b> and other relevant services shall [...] cooperate in good faith [...].</p> |

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|  |  | <p><b>For that purpose, the Agency and Member States shall exchange information to the extent necessary to enable them to perform the tasks and obligations conferred upon them by this Regulation, in particular for the Agency to analyse information on the situation of asylum and on the implementation of the CEAS, to provide training, carry out the monitoring, provide operational and technical assistance and support cooperation with third parties, as well as to enable cooperation in drawing up country information reports and guidance notes, and in developing operational standards, indicators, guidelines and best practices.</b></p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>1a. In order to perform the tasks and obligations conferred on them by this Regulation, in particular for the Agency to carry out its tasks referred to in Article 2 of this Regulation, the Agency and the Member States' authorities responsible for asylum and immigration and other relevant services shall exchange all necessary information in a timely and accurate manner.</b></p> |
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| <p>2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).</p> | <p>2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies, and with the UNHCR, <i>and with the other bodies, organisations and persons referred to in Article 2 (2a)</i>.</p> | <p><b>3.</b> The Agency shall work closely with the Member States' authorities <b>responsible for asylum and immigration and other relevant</b> services and [...] with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).</p> | <p><i>Confirmed by trilogue of 2 May except for the reference in square brackets:</i></p> <p>2. The Agency shall work closely with the Member States' authorities <b>responsible for asylum and immigration and other relevant</b> services and [...] with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR) [<b>and with the other bodies, organisations and persons referred to in Article 2 (2a).</b>]</p> |
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| <p>3. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate. For those purposes, the Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall share, in a timely and accurate manner, all necessary information.</p> | <p>3. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate. For those purposes, the Agency and the Member States' asylum authorities, national immigration and asylum services and other national services shall share, in a timely and accurate manner, all necessary information.</p> | <p>2. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate. For those purposes, the Agency and the Member States' [...] authorities <b>responsible for asylum and immigration and other relevant services</b> [...] shall share, in a timely and accurate manner, all necessary information.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>3. The Agency shall organise, promote and coordinate activities enabling the exchange of information among Member States, including through the establishment of networks as appropriate [...].</p> |
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|  | <p><i>3a. Where the Executive Director has established that a Member State's asylum authorities, national immigration and asylum services and other national services have systematically failed to comply with the duty to cooperate in good faith, including the duty to provide timely and accurate information in accordance with Regulation (EC) No 862/2007, he or she shall submit a report to the Management Board and to the Commission and include such information in the annual activity report on the situation of asylum in the Union under Article 65.</i></p> |  | <p><i>Outcome of technical discussions:</i></p> <p><b>3a. Where the Executive Director considers that a Member State has systematically failed to provide it with the information necessary for it to perform its tasks in accordance with this Regulation, he or she shall report that to the Management Board and to the Commission.</b></p> |
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| <p style="text-align: center;"><i>Article 4</i></p> <p>Information analysis on the situation of asylum</p>   |  | <p style="text-align: center;"><i>Article 4</i></p> <p>Information analysis on the situation of asylum</p>   |  |
| <b>Amendment 44</b>  |  |  |  |
| <p>1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view to foster quick and reliable mutual information to the Member States and to identify possible risks to the Member States' asylum systems.</p> | <p>1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows, <b><i>particularly on the presence of unaccompanied minors, reception capacity and resettlement needs</i></b>, as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view to foster quick and reliable mutual information to the Member States and to identify possible risks to the Member States' asylum systems.</p> | <p>1. The Agency shall gather and analyse information on the situation of asylum in the Union and in third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows as well as on possible arrivals of large numbers of third-country nationals which may cause disproportionate pressure on <b>Member States'</b> asylum and reception systems, with a view to [...] <b>provide timely and reliable</b> information to the Member States and to identify possible risks to the Member States' asylum <b>and reception</b> systems.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>1. The Agency shall gather and analyse information on the situation of asylum in the Union and in third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows, <b>the presence of unaccompanied minors, the overall reception capacity and resettlement needs of third countries</b> as well as on [...] <b>possible</b> arrivals of large numbers of third-country nationals which may cause disproportionate pressure on <b>Member States'</b> asylum and reception systems, with a view to [...] <b>provide timely and reliable</b> information to the Member States and to identify possible risks to the Member States' asylum <b>and reception</b> systems.</p> |

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|   |  | <p>(moved from para. 2)<br/> For this purpose, the Agency shall work in close collaboration with the European [...] <b>Border and Coast Guard Agency</b>, and shall [...] rely <b>in particular</b> on the risk analysis carried out by [...] <b>the European Border and Coast Guard Agency</b> so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.</p> | <p><i>Moved from para. 2, confirmed by trilogue of 2 May:</i></p> <p>For this purpose, the Agency shall work in close collaboration with the European [...] <b>Border and Coast Guard Agency</b>, and shall [...], <b>as appropriate, take into account</b> the risk analysis carried out by [...] <b>the European Border and Coast Guard Agency</b> so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.</p>   |
| <p>2. The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations.</p> | <p>2. The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as <i>the</i> UNHCR, and <i>the other bodies, organisations and persons referred to in Article 2 (2a).</i></p> | <p>2. <b>In addition</b>, the Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations.</p>  | <p><i>Confirmed by trilogue of 2 May except for the references in square brackets:</i></p> <p>2. <b>In addition</b>, the Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR, <b>particularly the UNHCR Global Resettlement Needs</b>, and other international organisations <b>[and persons referred to in Article 2 (2a).]</b></p> |

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| <p>For this purpose, the Agency shall work in close collaboration with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.</p> | <p>For this purpose, the Agency shall work in close collaboration with the European <b>Border and Coast Guard</b> and shall, in particular <b>and as appropriate, take into account</b> the risk <b>analysis and vulnerability assessment</b> carried out by that Agency to ensure the highest level of consistency and convergence in the information provided by both Agencies.</p> | <p><i>Moved to para 1.</i></p>  | <p><i>Moved to para 1.</i></p>  |
| <p>3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board.</p>  | <p>3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board <b>and to the European Parliament.</b></p>   | <p>3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board.</p> | <p><i>Outcome of technical discussions:</i></p> <p>3. The Agency shall ensure the rapid exchange of relevant information amongst Member States and with the Commission. It shall also submit, in a timely and accurate manner, the results of its analysis to the Management Board. <b>The Agency shall report on the information analysis to the European Parliament on a quarterly basis.</b></p> |
| <p><i>Article 5</i><br/>Information on the implementation of the CEAS</p>  |   | <p><i>Article 5</i><br/>Information on the implementation of the CEAS</p>   |   |

*Amendment 45*

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| <p>1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.</p>  | <p>1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.</p>  | <p>1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.</p>  | <p><i>Outcome of technical discussions:</i></p> <p>1. The Agency shall organise, coordinate and promote the exchange of information among Member States and between the Commission and the Member States concerning the implementation of all instruments of Union law on asylum.</p>   |
| <p>2. The Agency shall create factual, legal and case law databases on the application and interpretation of Union, national and international asylum instruments making use, in particular, of existing arrangements. No personal data shall be stored in such databases, unless such data has been obtained by the Agency from documents that are publicly accessible.</p> | <p>2. The Agency shall create <b>publicly available</b> factual, legal and case law databases on the application and interpretation of Union, national and international asylum instruments making use, in particular, of existing arrangements. No personal data shall be stored in such databases, unless such data has been obtained by the Agency from documents that are publicly accessible.</p> | <p>2. The Agency shall create factual, legal and case law databases on [...] Union, national and international asylum instruments making use, in particular, of existing arrangements. No personal data shall be stored in such databases, unless such data [...] are publicly accessible.</p> | <p><i>Outcome of technical discussions:</i></p> <p>2. The Agency shall <b>also</b> create [...] databases <b>and websites</b> on [...] Union, national and international asylum instruments making use, in particular, of existing arrangements.</p> <p>No personal data shall be stored in such databases, unless such data has been obtained by the Agency from documents that are publicly accessible.</p> |

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| 3. In particular, the Agency shall gather information on the following:  | 3. In particular, the Agency shall gather <i>quantitative and qualitative</i> information on the following:  | [...] <b>For that purpose</b> , the Agency shall gather [...] <b>and share</b> information on the following:   | <i>Outcome of technical discussions:</i><br><br>3. [...] <b>The databases and websites referred to in paragraph 2 shall have publicly accessible parts which shall contain</b> information on the following: |
| (a) the processing of applications for international protection by national administrations and authorities;   | (a) the processing of applications for international protection by national administrations and authorities, <i>including on the duration of processing of applications and on other procedural aspects;</i> | (a) [...] <b>statistics on the number of</b> applications for international protection [...] <b>and decisions taken by</b> national [...] authorities <b>responsible for asylum matters;</b> | <i>Outcome of technical discussions:</i><br><br>(a) [...] <b>statistics on</b> applications for international protection and decisions taken by national authorities responsible for asylum matters [...];   |
| (b) national law and legal developments in the field of asylum, including case law;                            | (b) national law and legal developments in the field of asylum, including case law;  | (b) national law and legal developments in the field of asylum, including case law;  | (b) national law and legal developments in the field of asylum, including case law;  |
| (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights. | (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights  | (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights.   | (c) relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights.   |
| <b>Amendment 46</b>  |  |  |  |
| <i>Article 6</i><br>Support to the Dublin system   | <i>deleted</i>   | <i>deleted</i>   | <i>deleted</i>   |

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| The Agency shall perform its tasks and obligations as set out in Regulation (EU) No XXX/XXX.   |  |   |  |
| <i>Article 7</i><br>Training   |  | <i>Article 7</i><br>Training  |  |
| <b><i>Amendment 47</i></b>   |  |   |  |
| 1. The Agency shall establish and develop training for members of its own staff, members of all national administrations, courts and tribunals, and national services responsible for asylum matters in the Member States. | 1. The Agency shall establish and develop training for members of its own staff, members of all national administrations, courts and tribunals, and national services responsible for asylum matters in the Member States. | 1. The Agency shall establish and develop training for members of its own staff, members of [...] <b>relevant</b> national administrations, courts and tribunals, and national [...] <b>authorities</b> responsible for asylum <b>and reception</b> matters in the Member States. | <i>Confirmed by trilogue of 2 May:</i><br>1. The Agency shall establish, develop <b>and review</b> training for members of its own staff, members of [...] <b>relevant</b> national administrations, courts and tribunals, and national [...] <b>authorities</b> responsible for asylum <b>and reception</b> matters in the Member States. |

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| <p>2. The Agency shall develop such training in close cooperation with Member States and, in cooperation with appropriate training entities in the Member States, including academic institutions and other relevant organisations.</p> | <p>2. The Agency shall develop such training in close cooperation with Member States and [...], <i>where appropriate, with the European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights and in cooperation with appropriate training entities in the Member States, existing training networks such as the European Judicial Training Network, and the other bodies, organisations and persons referred to in Article 2 (2a).</i></p> | <p>2. The Agency shall develop <b>and review</b> such training in close cooperation with Member States and, <b>where necessary</b>, in cooperation with appropriate training entities in the Member States, including academic institutions and other relevant organisations.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>2. The Agency shall develop such training in close cooperation with Member States and [...], <b>where appropriate, with the European Border and Coast Guard Agency, the European Union Agency for Fundamental Rights as well as in cooperation with relevant training entities in the Member States, including academic institutions, judicial associations and other training networks or relevant organisations.</b></p> |
| <p>3. The Agency shall develop general, specific or thematic training tools, which may include ‘train-the-trainers’ methodology and e-learning.</p>   | <p>3. The Agency shall develop general, specific or thematic training tools, which may include ‘train-the-trainers’ methodology and e-learning.</p>  | <p><i>Moved to para 4.</i></p>  | <p><i>Moved to para 4a.</i></p>   |

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| <p>4. The Agency shall establish and develop a European asylum curriculum taking into account the Union's existing cooperation in that field. Member States shall integrate the common core curriculum in the training of staff of national services and authorities responsible for asylum matters pursuant to their obligation under Article 4(3) of Directive 2013/32/EU of the European Parliament and of the Council to ensure proper training of their staff.</p> | <p>4. The Agency shall establish and develop a European asylum curriculum taking into account the Union's existing cooperation in that field. <b><i>The common core curriculum shall aim to promote best practices and the highest standards in the implementation of Union asylum law.</i></b> Member States shall integrate the common core curriculum in the training of staff of national services and authorities responsible for asylum matters pursuant to their obligation under Article 4(3) of Directive 2013/32/EU of the European Parliament and of the Council<sup>21</sup> to ensure proper training of their staff.</p> | <p><b>3.</b> The Agency shall [...] develop a European asylum curriculum taking into account the Union's existing cooperation in [...] <b>the field of asylum, and on the basis of which Member States shall develop the appropriate training for their staff pursuant to their obligations under Union law on asylum.</b></p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>3. The Agency shall [...] develop a European asylum curriculum taking into account the Union's existing cooperation in [...] <b>the field of asylum in order to promote best practices and high standards in the implementation of Union asylum law.</b></p> <p><b>Member States shall develop the appropriate training for their staff pursuant to their obligations under Union law on asylum on the basis of the European asylum curriculum and shall include core parts of that curriculum into that training.</b></p> <p><i>See modified Recital 10:</i></p> <p><i>(10) The European Union Agency for Asylum should assist Member States with training of experts from all national administrations, courts and tribunals, and national services responsible for asylum matters, including the development of a European</i></p> |
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|  |  | <p><i>asylum curriculum. <b>Member States should develop appropriate training on the basis of the European asylum curriculum with the aim of promoting best practices and high standards in the implementation of Union law. In this respect, Member States should include core parts of that curriculum into their training. Those core parts should cover <u>issues related to the determination of whether applicants qualify for international protection, interview techniques and evidence assessment</u> which are considered to be basic tools necessary for case handlers. In addition, the Agency should ensure that all experts participating in asylum support teams or forming part of the asylum reserve pool receive the necessary training before their participation in operational activities organised by the Agency.</b></i></p> |
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| <p>5. The specific or thematic training activities regarding asylum matters shall include:</p>  | <p>5. The specific or thematic training activities regarding asylum matters shall include <i>inter alia</i>:</p>   | <p><b>4. As part of the European asylum curriculum</b>, the Agency shall develop general, specific or thematic training tools, <b>as well as ad hoc training activities</b>, which may include ‘train-the-trainers’ methodology and e-learning. The specific or thematic training tools regarding asylum matters shall include, <b>in particular</b>:</p> | <p><i>Moved from para 5, confirmed by trilogue of 2 May:</i></p> <p><b>4. The training offered by the Agency</b> shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.</p> <p><b>As part of the European asylum curriculum, the training offered by the Agency shall cover, in particular:</b></p> |
| <p>(a) international and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal and case law issues;</p> | <p>(a) international and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal, <i>procedural</i> and case law issues;</p> | <p>(a) international and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal and case law issues;</p>   | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(a) international and Union fundamental rights standards, and in particular the provisions of the Charter of Fundamental Rights of the European Union, as well as international and Union law on asylum, including specific legal and case law issues,</p>  |

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|  |  |  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>(aa) issues related to the determination of whether an applicant qualifies for international protection and the rights of beneficiaries of international protection;</b></p> |
| <p>(b) issues related to the handling of applications for international protection, in particular those from vulnerable persons with specific needs and children, including as regards the best interests of the child assessment, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques;</p> | <p>(b) issues related to the handling of applications for international protection, in particular those from vulnerable persons;</p>   | <p>(b) issues related to the [...] <b>processing</b> of applications for international protection [...];</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(b) issues related to the [...] <b>processing</b> of applications for international protection [...];</p>   |
|  | <p><i>(b a) identification and referral procedures for minors including detailed rules aimed at evaluating the best interests of the child, specific procedural safeguards such as respect for the child's right to be heard and child protection aspects such as age-assessment techniques, appointment of guardians and alternatives to detention for children and families;</i></p> |  | <p><i>Amalgamated with Council text on (gg) below.</i></p>   |

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| (c) interview techniques, including special attention given to children, vulnerable groups and victims of torture; | (c) interview techniques, including special attention given to children, vulnerable <i>persons</i> and victims of torture;  | (c) interview techniques;   | <i>Confirmed by trilogue of 2 May:</i><br><br>(c) interview techniques;<br><br>(cc) evidence assessment;  |
|  | <i>(c a) identification and referral procedures for vulnerable persons;</i>   |   | <i>Amalgamated with Council text on (gh) below</i>  |
|  | <i>(c b) exchange of best practices in the implementation of Union asylum law , in particular in the framework of facilitating training aimed at members of courts and tribunals;</i> |   | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(cb) relevant case law of national courts, the European Court of Justice, the European Court of Human Rights and other relevant developments in the field of asylum law;</b> |
| (d) fingerprinted data, including data quality and security requirements;  | (d) fingerprinted data, including data <i>protection aspects, data</i> quality and security requirements;   | <i>deleted</i>  | <i>Confirmed by trilogue of 2 May:</i><br><br>(d) <b>fingerprint</b> data, including data <i>protection aspects, data</i> quality and security requirements;  |
| (e) the use of expert medical and legal reports in asylum procedures;  | (e) the use of expert medical and legal reports in asylum procedures;   | (e) the use of expert medical and legal reports in asylum procedures; | <i>Confirmed by trilogue of 2 May:</i><br><br>(e) the use of expert medical and legal reports in [...] <b>the procedure for international protection;</b>   |

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| (f) issues relating to the production and use of information on countries of origin;  | (f) issues relating to the production and use of information on countries of origin;   | (f) issues relating to the production and use of information on <b>third</b> countries [...];  | <i>Confirmed by trilogue of 2 May:</i><br><br>(f) issues relating to the production and use of information on <b>third</b> countries [...];   |
| (g) reception conditions, including special attention given to unaccompanied children and children with their families, vulnerable groups and victims of torture. | (g) reception conditions, including special attention <i>and assistance</i> given to unaccompanied children and children with their families, <i>and</i> vulnerable <i>persons</i> ; | (g) reception conditions [...];  | <i>Confirmed by trilogue of 2 May:</i><br><br>(g) reception conditions [...];   |
|   |  | <b>(gg) issues related to minors, in particular unaccompanied minors, as regards the best interests of the child assessment, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques,</b> | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(gg) issues related to minors, in particular unaccompanied minors, as regards the best interests of the child assessment, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects, age-assessment techniques, and reception conditions for children and families;</b> |

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|  |  | <b>(gh) issues related to persons in need of special procedural guarantees or with special reception needs, with particular attention to vulnerable groups, victims of torture, victims of human trafficking and related gender-sensitive issues;</b> | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(gh) issues related to applicants in need of special procedural guarantees or applicants with special reception needs or other persons in a vulnerable situation, with particular attention to victims of torture, victims of human trafficking and related gender-sensitive issues;</b> |
|  |  | <b>(h) issues related to interpretation and cultural mediation;</b>   | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(h) issues related to interpretation and cultural mediation;</b>   |
|  |  | <b>(i) issues related to resettlement.</b>  | <i>Outcome of technical discussions:</i><br><br><b>[(i) issues related to resettlement.]</b><br><br><i>Square brackets in view of the link with the Union Resettlement Framework</i>  |
|  | <b><i>(g a) issues related to the content of international protection, the rights of persons granted international protection and integration support;</i></b> |   | <i>Partially amalgamated with Article 7(4)(aa).</i>   |

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|  | <i>(g b) issues related to the handling of relocation procedures;</i>  |  | <i>Outcome of technical discussion:</i><br><br><b>[(g b) issues related to the handling of relocation procedures;]</b>   |
|  | <i>(g c) resettlement, including with regard to selection missions, the provision of pre-departure information and postarrival support, access to education, language courses, vocational training and apprenticeship;</i> |  | <i>Reflected in point (i) above.</i>   |
|  | <i>(g d) resilience and stress-management skills for the staff working directly with asylum-seekers;</i>   |  | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(g d) resilience and stress-management skills notably for staff with managerial positions.</b>  |
|  | <i>(g e) other relevant issues, where necessary, on the basis of a decision of the Management Board.</i>   |  | <i>Deletion confirmed by trilogue of 2 May.</i>  |
|  |  |  | <i>Confirmed by trilogue of 2 May:</i><br><br><b>4a. The Agency shall provide general, specific or thematic training as well as <i>ad hoc</i> training activities, including by using the ‘train-the-trainers’ methodology and e-learning.</b> |

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| <p>6. The training offered shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.</p>   | <p>6. The training offered shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.</p>   | <p><b>5.</b> The training offered shall be of high quality and shall identify key principles and best practices with a view to greater convergence of administrative methods, decisions and legal practice, in full respect of the independence of national courts and tribunals.</p>   | <p><i>Moved to Article 7(4) above.</i></p>  |
| <p>7. The Agency shall take the necessary initiatives to ensure that the experts who participate in the asylum support teams and the asylum intervention pool, have received specialist training relevant to their duties and functions prior to their participation in the operational activities organised by the Agency. The Agency shall conduct regular exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.</p> | <p>7. The Agency shall <i>provide</i> the experts who participate in the asylum support teams and the asylum intervention pool <i>with the</i> specialist training relevant to their duties and functions prior to their participation in the operational activities organised by the Agency. The Agency shall conduct regular exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.</p> | <p><b>6.</b> The Agency shall take the necessary initiatives to <b>verify, and where necessary,</b> ensure that the experts who participate in the asylum support teams, have received specialist training relevant to their duties and functions [...] <b>for</b> their participation in the operational activities organised by the Agency. The Agency shall, <b>where necessary,</b> conduct [...] exercises with those experts in accordance with the specialist training and exercise schedule referred to in its annual work programme.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>6.</b> The Agency shall take the necessary initiatives to <b>verify, and where necessary,</b> ensure that the experts who participate in the asylum support teams, have received the necessary training relevant to their duties and functions [...] <b>for</b> their participation in the operational activities organised by the Agency.</p> <p>The Agency shall, <b>where necessary and in advance of or upon deployment, provide those experts with [...] training which is specific to the operational and technical assistance being provided in the host Member State.</b></p> |

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| 8. The Agency may organise training activities in cooperation with Member States or third countries on their territory. | 8. The Agency may organise training activities in cooperation with Member States or third countries on their territory. | 7. The Agency may organise training activities in cooperation with Member States or third countries on their territory. | <i>Confirmed by trilogue of 2 May:</i><br>7. The Agency may organise training activities in cooperation with Member States or third countries on their territory. |
| <b>CHAPTER 3<br/>COUNTRY OF ORIGIN<br/>INFORMATION</b>  |   | <b>CHAPTER 3<br/>COUNTRY INFORMATION<br/>AND GUIDANCE</b>   |   |
| <i>Article 8</i><br>Information on countries of origin at Union level   |   | <i>Article 8</i><br>Information on <b>third</b> countries [...] at Union level  |   |

*Amendment 48*

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| <p>1. The Agency shall be a centre for gathering relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific information and targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.</p> | <p>1. The Agency shall be a centre for gathering <i>objective</i>, relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific, <i>and gender-specific</i> information and targeted information on vulnerable <i>persons and</i> persons belonging to <i>minorities</i>. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.</p> | <p>1. The Agency shall be a centre for gathering relevant, reliable, <b>objective</b>, accurate and up-to date information on <b>relevant third</b> countries [...] <b>in a transparent and impartial manner, making use of relevant information</b>, including child-specific <b>and gender-specific</b> information, <b>as well as</b> targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on <b>relevant third</b> countries [...] at the level of the Union including on thematic issues specific to <b>relevant third</b> countries [...].</p> |  |
| <p>2. The Agency shall, in particular:</p>   | <p>2. The Agency shall, in particular:</p>   | <p>2. The Agency shall, in particular:</p>   |  |

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| <p>(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from governmental, non-governmental and international organisations, including through the networks referred to in Article 9, as well as Union institutions, agencies, bodies, offices and the European External Action Service;</p> | <p>(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from <i>the UNHCR and the other bodies, organisations and persons referred to in Article 2 (2a)</i>, including through the networks referred to in Article 9 <i>and the Consultative Forum referred to in Article 48, fact finding missions coordinated by the Agency</i>, as well as Union institutions, agencies, bodies, offices and the European External Action Service;</p> | <p>(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from [...] international <b>and other relevant</b> organisations, including through the networks referred to in Article 9 <b>and fact-finding missions</b>, as well as through Union institutions, agencies, bodies, offices and the European External Action Service;</p> |  |
| <p>(b) manage and further develop a portal for gathering information on countries of origin;</p>  | <p>(b) manage and further develop a <i>publicly accessible</i> portal for gathering <i>and disseminating</i> information on countries of origin;</p>   | <p>(b) manage and further develop a portal for gathering <b>and sharing</b> information on <b>relevant third</b> countries [...];</p>   |  |

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| <p>(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on countries of origin at the level of the Union.</p> | <p>(c) develop <i>in consultation with the Consultative Forum as well as the UNHCR and other relevant intergovernmental and non-governmental organisations, researchers and academics</i> a common format and a common methodology including terms of reference, for developing reports and other products with information on countries of origin at the level of the Union <i>in line with the requirements of international and Union asylum law</i>.</p> | <p>(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on <b>relevant third</b> countries [...] at the level of the Union.</p> |  |
| <p><i>Article 9</i><br/>European networks on country of origin information</p>   |  | <p><i>Article 9</i><br/>European networks on third country information</p>   |  |
| <b>Amendment 49</b>  |  |  |  |
| <p>1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks among Member States on country of origin information.</p>   | <p>1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks among Member States on country of origin information. <i>Such networks may, where relevant and on a case by case basis, involve external experts with relevant expertise from the UNHCR and non-governmental organisations.</i></p>   | <p>1. The Agency shall ensure the coordination of national initiatives producing [...] information <b>on third countries</b> by establishing and managing networks among Member States on <b>third</b> country [...] information.</p>  |  |

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| 2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:  | 2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:   | 2. The purpose of the networks provided for in paragraph 1 shall be for Member States to, <b>in particular</b> :   |  |
| (a) exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;  | (a) <b>periodically</b> exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;   | (a) exchange and update national reports and other products, <b>as well as other relevant information</b> , on <b>third</b> countries [...] including on thematic issues [...];                                  |  |
| (b) submit queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law. | (b) submit queries to the Agency <b>and assist in responding to queries</b> related to specific questions of fact that may arise from applications for international protection, without prejudice to <b>privacy, data protection and</b> confidentiality rules as established in national law. | (b) submit queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law; |  |
|  |   | <b>(c) to contribute to the development and update of Union level reports and other products providing information on relevant third countries.</b>  |  |
| <i>Article 10</i><br>Common analysis on country of origin information  |   | <i>Article 10</i><br>Common analysis [...] <b>and guidance notes</b>   |  |

*Amendment 50*

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| <p>1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council, the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin.</p> | <p>1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council<sup>22</sup> the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin.</p> | <p>1. To foster convergence in applying the assessment criteria established in [...] <b>Regulation (EU) No XXX/XXX [Qualification Regulation]</b>, the Agency shall coordinate efforts among Member States to [...] develop a common analysis [...] on the situation in specific countries of origin <b>and guidance notes to assist Member States in the assessment of relevant applications.</b></p> |  |
|  | <p><i>The Agency shall ensure that such common analysis takes account of the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from specific countries of origin.</i></p>  |  |  |

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| <p>2. The Executive Director shall, after consulting the Commission, submit that common analysis to the Management Board for endorsement. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.</p> | <p>2. The Executive Director shall, after consulting the Commission, <i>the UNHCR and the Consultative Forum</i>, <b>adopt</b> that common analysis <i>after having submitted it</i> to the Management Board <i>for review</i>. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.</p> | <p>2. The Executive Director shall [...] submit [...] <b>the guidance notes</b> to the Management Board for endorsement. [...] <b>The guidance notes shall be accompanied by the common analysis.</b></p>   |  |
|  |  | <p><b>2a.</b> Member States shall [...] take into account [...] <b>the guidance notes and</b> common analysis [...] when examining applications for international protection, without prejudice to their competence for deciding on individual applications.</p>                      |  |
| <p>3. The Agency shall ensure that the common analysis is kept constantly under review and updated to the extent necessary. Any such revision shall likewise require prior consultation of the Commission and endorsement by the Management Board.</p>   | <p>3. The Agency shall ensure that the common analysis is kept constantly under review and updated to the extent necessary. Any such revision shall likewise require prior consultation of the Commission [...], <i>the UNHCR and the Consultative Forum</i>.</p>  | <p>3. The Agency shall ensure that the common analysis [...] <b>and guidance notes are</b> kept [...] under <b>regular</b> review and updated [...] <b>as</b> necessary. Any such [...] <b>review or update</b> shall likewise require [...] endorsement by the Management Board.</p> |  |

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| <p>4. The Member States shall, on a monthly basis, submit to the Agency relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:</p> | <p>4. The Member States shall, on a monthly basis, submit to the Agency <b>all</b> relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:</p> | <p>4. Member States shall submit [...] to the Agency <b>any</b> relevant information [...] <b>indicating that a review or an update of the common analysis and guidance notes is necessary.</b></p> |  |
| <p>(a) statistics on the number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;</p>   | <p>(a) statistics on the <b>number of applications for international protection lodged and the</b> number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;</p>                  | <p><i>deleted</i></p>   |  |
| <p>(b) statistics on the number of decisions refusing international protection to applicants from each country of origin which is the subject of the common analysis;</p>   | <p>(b) statistics on the number of decisions <b>including inadmissibility decisions</b> refusing international protection to applicants from each country of origin which is the subject of the common analysis <b>and grounds for refusal</b> ;</p>   | <p><i>deleted</i></p>   |  |

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| <p>(c) statistics on the number of decisions taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.</p> | <p>(c) statistics on the number of decisions <b><i>including inadmissibility decisions</i></b> taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.</p>  | <p><i>deleted</i></p> |  |
|  | <p><b><i>4a. Based on the information referred to in paragraph 4 the Agency shall study the differences in the recognition rates recorded by Member States regarding applications for international protection from applicants of a given country of origin which is the subject of the common analysis. If the Agency finds the differences to be substantial, the Executive Director shall notify the Commission and the European Parliament of such differences and possible reasons therefor. The Commission shall then take any follow-up steps, as appropriate.</i></b></p> |                       |  |

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|   | <i>4b. The Agency shall ensure that the information received from the Member States in accordance with paragraph 4 is publicly accessible and included as an annex to the annual report to be drafted in accordance with Article 65.</i>  |  |  |
| <i>Article 11</i><br>Designation of safe countries of origin and safe third countries   |   | <i>[Article 11</i><br>Designation of safe countries of origin and safe third countries   |  |
| <b>Amendment 51</b>   |   |  |  |
| 1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those that have been suspended by the Commission and those that have been removed from that list. | 1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those that have been suspended by the Commission and those that have been removed from that list. | 1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX <b>[SCO/APR] or designated as safe third countries at Union level in accordance with Regulation (EU) No XXX/XXX [APR]</b> , including those that have been suspended by the Commission and those that have been removed from that list. |  |

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| <p>2. The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.</p> | <p>2. The Agency shall [...] provide <i>the Commission</i> with information on specific third countries which could be considered for inclusion in, <i>suspension or removal from</i> the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX. <i>This information shall also be transmitted to the European Parliament.</i></p>   | <p>2. The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX [SCO/APR] or which could be designated as safe third countries at Union level in accordance with Regulation (EU) No XXX/XXX [APR]. ]</p> |  |
|  | <p><i>2a. Information provided by the Agency in accordance with paragraphs 1 and 2 shall be compiled in accordance with the general principles provided for in Article 8, and shall take into account information received from the UNHCR, UN and Council of Europe human rights monitoring mechanisms, relevant non-governmental organisations and other relevant independent and reliable sources, including information provided within the framework of the Consultative Forum.</i></p> |  |  |

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| <p>3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.</p> | <p>3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.</p> | <p><i>deleted</i></p>  |  |
| <p>The Commission may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.</p>   | <p>The <i>Parliament, the Council or</i> the Commission may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.</p>   |  |  |
| <p><b>CHAPTER 4<br/>OPERATIONAL STANDARDS<br/>AND GUIDELINES</b></p>  |   | <p><b>CHAPTER 4<br/>OPERATIONAL STANDARDS<br/>AND GUIDELINES</b></p>                                 |  |
| <p><i>Article 12</i><br/>Operational standards, guidelines and best practices</p>   |   | <p><i>Article 12</i><br/>Operational standards, <b>indicators</b>, guidelines and best practices</p> |  |

*Amendment 52*

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| <p>1. The Agency shall organise and coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.</p> | <p>1. The Agency shall organise and coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.</p> | <p>1. The Agency shall organise and coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>1. The Agency shall organise and coordinate activities promoting a correct and effective implementation of Union law, including through the development of operational standards, indicators, guidelines or best practices on asylum-related matters, and the exchange of best practices in asylum-related matters among Member States.</p> |
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| <p>2. The Agency shall, on its own initiative or at the request of the Commission, and in consultation with the Commission, develop operational standards on the implementation of the instruments of Union law on asylum and indicators for monitoring compliance with those operational standards as well as guidelines and best practices related to the implementation of the instruments of Union law on asylum. The Agency shall, following consultation with the Commission and after adoption by the Management Board, communicate those standards, indicators, guidelines or best practices to the Member States.</p> | <p>2. The Agency shall, on its own initiative or at the request of the Commission, and in consultation with the Commission, <i>and the Member States, its Consultative Forum, the UNHCR, relevant intergovernmental and non-governmental organisations, and where relevant, the European Judicial Training Network and judicial associations</i> develop operational standards on the implementation of the instruments of Union law on asylum and indicators for monitoring compliance with those operational standards as well as guidelines and best practices related to the implementation of the instruments of Union law on asylum. The Agency shall, following consultation with the Commission and after adoption by the Management Board, communicate those standards, indicators, guidelines or best practices to the Member States.</p> | <p>2. The Agency shall, on its own initiative or at the request of <b>the Management Board or the Commission, and in consultation with the Commission and the Member States</b>, develop operational standards [...] <b>and relevant indicators as well as guidelines and best practices related to the</b> implementation of the instruments of Union law on asylum [...]. The Agency shall, [...] after adoption by the Management Board, communicate those standards, indicators, guidelines or best practices to the Member States <b>and to the Commission.</b></p> | <p><i>Outcome of technical discussions:</i></p> <p>2. The Agency shall, on its own initiative or at the request of <b>one or more Member States</b> or the Commission, develop operational standards [...] <b>and relevant</b> indicators [...], guidelines and best practices related to the implementation of the instruments of Union law on asylum [...].</p> |
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|  |  | <p><i>Outcome of technical discussions:</i></p> <p><b>2a. In the development of the operational standards, indicators, guidelines and best practices referred to in paragraph 2, the Agency shall consult the Commission and the Member States. The Agency shall, where appropriate, consult UNHCR. The Agency may also, based on relevant expertise, consult intergovernmental or other organisations as well as judicial associations and networks or other expert networks.</b></p> <p><b>2b. The operational standards, indicators, guidelines and best practices referred to in paragraph 2 shall be adopted by the Management Board. After their adoption, the Agency shall communicate those operational standards, indicators, guidelines and</b></p> |
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|   |   |   | best practices to the Member States <b>and to the Commission.</b>   |
| 3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance. | 3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance. | 3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance. | <i>Confirmed by trilogue of 2 May:</i><br>3. The Agency shall, at the request of Member States, assist them to apply the operational standards, guidelines and best practices to their asylum and reception systems by providing the necessary expertise or operational and technical assistance. |
| <b>CHAPTER 5<br/>MONITORING AND<br/>ASSESSMENT</b>  |   | <b>CHAPTER 5<br/>MONITORING</b>   |   |
| <i>Article 13</i><br>Mechanism for monitoring and assessing the asylum and reception systems  |   | <i>Article 13</i><br>Mechanism for monitoring [...] <b>the operational and technical application of the CEAS</b>  |   |

*Amendment 53*

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| <p>1. The Agency, in close cooperation with the Commission, shall establish a mechanism to:</p> | <p>1. The Agency, in close cooperation with the Commission, shall establish a mechanism to:</p> | <p>1. The Agency, in close cooperation with the Commission, shall [...] <b>monitor the operational and technical application of the CEAS in order to prevent or identify possible shortcomings in the asylum and reception systems of Member States and to assess their capacity and preparedness to manage situations of disproportionate pressure so as to enhance the efficiency of those systems.</b></p>                               |  |
|   |   | <p><b>2. The Agency shall, by a decision of two-thirds of the members of the Management Board with a right to vote, based on a proposal of the Executive Director and in consultation with the Commission, establish a common methodology for the monitoring mechanism established by this Regulation. This shall include objective criteria against which the Agency shall carry out the monitoring as referred to in paragraph 1.</b></p> |  |

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|   |   | <p><b>3. The monitoring shall, having regard to the operational standards, indicators, guidelines and best practices referred to in Article 12, be carried out with respect to the operational and technical application of all aspects of the CEAS, in particular:</b></p>                                     |  |
| <p>(a) monitor the implementation and assess all aspects of the CEAS in Member States, in particular the Dublin system, reception conditions, asylum procedures, the application of criteria determining protection needs and the nature and quality of protection afforded to persons in need of international protection by Member States, including as regards the respect of fundamental rights, child protection safeguards and the needs of vulnerable persons;</p> | <p>(a) monitor the implementation and assess all aspects of the CEAS in Member States, in particular the Dublin system, reception conditions, asylum procedures <i>and respect for relevant procedural safeguards, the right to an effective remedy, including legal aid, access to interpretation</i>, the application of criteria determining protection needs and the nature and quality of protection afforded to persons in need of international protection by Member States, including as regards the respect of fundamental rights, child protection safeguards and [...] <i>the functioning of referral mechanisms for vulnerable applicants and resettlement</i>;</p> | <p>(a) [<b>the Dublin system</b>], asylum procedures, the application of criteria <b>for assessing the need for protection and the type of protection granted</b>, including as regards the respect of fundamental rights, child protection safeguards and the <b>specific</b> needs of vulnerable persons;</p> |  |

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| <p>(b) monitor compliance by Member States with operational standards, indicators guidelines and best practices on asylum;</p>  | <p>(b) monitor compliance by Member States with operational standards, indicators guidelines and best practices on asylum;</p>  |  |  |
| <p>(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, staff available, including for translation and interpretation in Member States, financial resources and the capacity of Member States' asylum authorities, including the judicial system, to handle and manage asylum cases efficiently and correctly.</p> | <p>(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, [...] <i>financial and human resources</i>, including for translation and interpretation in Member States, [...] and the capacity of Member States' <i>judicial and administrative</i> asylum authorities, including judicial system, to handle and manage asylum cases efficiently and [...] <i>in accordance with international and Union law</i>.</p> | <p><b>(b) staff available and capacity in terms of translation, interpretation and, without prejudice to the judicial independence and with full respect to the organisation of the judiciary of each Member State, the handling of appeals;</b></p> |  |
|   |   | <p><i>(partly moved from points (a) and (c))</i><br/> <b>(c) the reception conditions, capacity, infrastructure, equipment and, to the extent possible, financial resources.</b></p>   |  |

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|   | <p><b><i>1a. For the purposes of paragraph 1, the Agency shall have access to the aggregated and anonymised statistical data from Eurodac as well as VIS established by Regulation (EC) 767/2008, SIS II established by Regulation (EC) 1987/2006 and the Entry-Exit-System to be established by Regulation (EU) 2017/... of the European Parliament and of the Council.</i></b></p>                                 |  |  |
| <p>2. The Agency may, in particular, base its assessment on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling.</p> | <p>2. The Agency [...] <b><i>shall</i></b>, in particular, base its assessment on information provided, <b><i>inter alia</i></b>, by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling, <b><i>information provided by applicants, and assessments provided by the bodies, organizations and persons referred to in Article 2(2a).</i></b></p> | <p><i>Moved to paras 4, 5 and 6.</i></p> |  |
|   | <p><b><i>For the purposes of that assessment, the Agency may make unannounced on-site visits without prior notification to the Member State concerned. The Commission, in close cooperation with the Member States, shall establish general guidelines on the practical arrangements for such visits.</i></b></p>  |  |  |

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| <p>For that purpose, Member States shall, at the request of the Agency, provide it with the necessary information as regards asylum procedures, equipment, infrastructure, reception conditions, recognition rates and quality of protection as well as staff and financial resources at national level to ensure an efficient management of the asylum and reception system. The Member States shall also cooperate with the Agency and shall facilitate any on-site visit that the Agency shall carry out for the purposes of the monitoring exercise.</p> | <p>For that purpose, Member States shall, at the request of the Agency, provide it with the necessary information as regards asylum procedures, <b>relevant procedural safeguards, including the availability of legal aid and access to interpretation</b>, equipment, infrastructure, reception conditions, recognition rates and quality of protection as well as staff and financial resources at national level to ensure an efficient management of the asylum and reception system. The Member States shall also cooperate with the Agency and shall facilitate <b>and actively support</b> any on-site visit that the Agency shall carry out for the purposes of the monitoring exercise.</p> | <p><i>Deleted</i></p> |  |
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| <p>3. The Agency shall assess the readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, where necessary.</p> | <p>3. The Agency shall assess the <i>capacity and</i> readiness of Member States to meet challenges from possible disproportionate pressure on their asylum and reception systems <i>without prejudice to the competences of the Commission as provided for in the Treaties</i>. The Agency may request Member States to provide it with their contingency planning for measures to be taken to deal with such possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning, <i>in accordance with Article 16</i>, where necessary.</p> | <p><i>Moved to para 5, 2nd sentence.</i></p>   |  |
|   |   | <p><b>4. The monitoring may be carried out, in particular, on the basis of the information provided by the Member State concerned, information analysis on the situation of asylum [...] referred to in Article 4, on-site visits and case sampling.</b></p> |  |
|   |   | <p><b>5. [...] Member States shall, at the request of the Agency, provide it with the [...] information [...] for the purposes of paragraph 3.</b></p>   |  |

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|                     |   | [...] The Agency may request Member States to provide it with <b>information</b> on their contingency planning for measures to be taken to deal with [...] possible disproportionate pressure and shall assist Member States to prepare and review their contingency planning [...], <b>upon their request.</b>    |  |
|                     |   | 6. The Member States shall [...] cooperate with the Agency [...], <b>including by facilitating</b> any on-site visit [...] <b>carried</b> out for the purposes of the monitoring exercise. <b>The Executive Director shall provide the Member States concerned with sufficient prior notice of any such visit.</b> |  |
| <i>Amendment 54</i> |   |  |  |
|                     | <i>3a. In order to carry out its task of monitoring and evaluating the implementation of the CEAS and the Member States' asylum and reception systems in an effective, impartial and independent manner, the Agency shall have an appropriate number of permanent and temporary staff and adequate financial resources.</i> |  |  |

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| <p style="text-align: center;"><i>Article 14</i></p> <p>Procedure for monitoring and assessment by the Agency</p>   |  | <p style="text-align: center;"><i>Article 14</i></p> <p>Procedure [...] and <b>follow-up</b></p>   |  |
| <b>Amendment 55</b>   |  |  |  |
| <p>1. The Management Board shall, in consultation with the Commission, set the programme for monitoring and assessing the asylum and reception systems in each Member State, or of all Member States on the basis of thematic or specific aspects of the asylum systems. That programme shall form part of the multi-annual and annual programming referred to in Article 41.</p> | <p>1. The [...] <b>Agency</b> shall, in consultation with the Commission, set the programme for [...] <b>the mechanism referred to in Article 13</b>. That programme shall form part of the multi-annual and annual programming referred to in Article 41.</p> | <p><i>(partly from subpara. 3)</i></p> <p>1. The Management Board shall, <b>based on a proposal of the Executive Director and</b> in consultation with the Commission, [...] <b>adopt</b> the programme for monitoring [...] <b>the operational and technical application of the CEAS</b> in each Member State, or [...] on the basis of thematic or specific aspects [...] <b>of the CEAS with regard to</b> all Member States. That programme shall [...] <b>indicate which Member States' asylum and reception systems shall be monitored in a particular year</b>, ensuring that each Member State shall be monitored at least once in every five-year period.</p> |  |

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| <p>The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every five-year period.</p>  | <p>The multi-annual programming shall list the Member States whose asylum and reception systems shall be monitored each year, ensuring that each Member State shall be monitored at least once in every <i>three</i>-year period;</p>   | <p><i>Deleted</i></p>                      |  |
| <p>The annual work programme shall list the Member States to be monitored the following year in accordance with the multi-annual programming and the thematic assessments. It shall include an indication of what the monitoring shall consist of and a schedule for any on-site visits.</p> | <p>The annual work programme shall list the Member States to be monitored the following year in accordance with the multi-annual programming and <i>any thematic assessment in one or more Member States, considered necessary in the following year based on the information analysis drawn up in accordance with Article 4.</i> It shall include an indication of what the monitoring shall consist of and a schedule for any on-site visits.</p> | <p><i>(partly moved to subpara. 1)</i></p> |  |
| <p>The annual work programme may be adapted if necessary in accordance with Article 41.</p>  | <p>The annual work programme may be adapted if necessary in accordance with Article 41.</p>   | <p><i>Deleted</i></p>                      |  |

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| <p>The Agency may initiate a monitoring exercise for the assessment of the asylum or reception systems of a Member State on its own initiative or at the request of the Commission whenever there are serious concerns regarding the functioning of any aspect of that Member State's asylum or reception systems.</p> | <p>The Agency [...] <i>shall</i> initiate a monitoring exercise for the assessment of the asylum or reception systems of a Member State on its own initiative or at the request of the Commission, whenever there are serious concerns regarding the functioning of any aspect of that Member State's asylum or reception systems <i>or its capacity and readiness to meet challenges of a disproportionate pressure which could jeopardise the functioning of the CEAS. If such a monitoring exercise reveals serious deficiencies deemed to jeopardise the functioning of the CEAS or to constitute a serious threat to public policy or internal security within the area without internal borders, the Commission, on its own initiative or at the request of the European Parliament or of a Member State, shall inform the European Parliament and the Council as soon as possible thereof.</i></p> | <p><b>2. In addition, where the information analysis raises serious concerns regarding the functioning of a Member State's asylum or reception systems, the Agency [...] shall initiate a monitoring exercise [...] either on its own initiative, in consultation with the Commission, or at the request of the Commission [...].</b></p> |  |
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| <p>2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts shall be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits and information provided by Member States.</p>                           | <p>2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts [...] <b>may</b> be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits, <b>including unannounced on-site visits</b>, and information provided by Member States <b>as well as the UNHCR and non-governmental organisations</b>.</p> | <p><i>Deleted</i></p>  |  |
| <p>3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the Commission.</p> | <p>3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then <b>finalise</b> the draft report after taking into account the comments of the Member State concerned [...] and transmit it to <b>the European Parliament, the Council and</b> the Commission.</p>  | <p><i>(partly from para. 4)</i><br/> 3. The Executive Director shall [...] <b>submit the findings of the monitoring exercise</b> to the Member State concerned [...] <b>for comments, including indications of its needs as appropriate, with a time-limit of one month.</b> The Executive Director shall [...], taking into account the comments of the Member State concerned [...] <b>and in consultation with the Commission, draw up draft recommendations. Those draft recommendations shall outline the measures to be taken by the Member State, including with the assistance of the Agency as necessary, and a time-</b></p> |  |

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|  |  | <p><b>limit by when any necessary measures need to be taken by the Member State concerned to address any issues of capacity and preparedness as referred to in Article 13(1), as well as the shortcomings identified in the monitoring exercise. The Member State concerned shall be given [...] an opportunity to comment on the draft recommendations within a reasonable time-limit indicated by the Agency. After [...] duly taking into account those comments, [...] the Executive Director shall [...] submit findings and draft recommendations to the Management Board which shall, by a decision of two-thirds of its members with a right to vote, adopt those recommendations. The Agency shall inform the Commission about the implementation of the recommendations.</b></p> |  |
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| <p>4. The Executive Director, after consultation with the Commission, shall submit draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings.</p> | <p>4. The Executive Director, after consultation with the Commission, shall submit draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations <b>and ten days in the event of the situation referred to in point (c) of paragraph 1</b>. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings. <b>The recommendations shall be made publicly available.</b></p> | <p><i>Moved to para 3.</i></p> |  |
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| <p>5. The Member State concerned shall provide the Agency with an action plan within one month from adoption of the recommendations referred to in paragraph 4. That Member State shall report to the Agency on the implementation of the action plan within three months from the adoption of the recommendations and shall thereafter continue to report every month for a maximum of six months.</p> | <p>5. The Member State concerned shall provide the Agency with an action plan within one month from adoption of the recommendations referred to in paragraph 4 <b>and fifteen days in the event of the situation referred to in point (c) of paragraph 1</b>. That Member State shall report to the Agency on the implementation of the action plan within three months from the adoption of the recommendations and <b>45 days in the event of the situation referred to in point (c) of paragraph 1</b> and shall thereafter continue to report every month for a maximum of six months.</p> | <p><i>deleted</i></p> |  |
| <p>6. The Agency shall inform the Commission on a regular basis of the implementation of the action plan.</p>   | <p>6. The Agency shall inform the Commission <b>and the European Parliament</b> on a regular basis of the implementation of the action plan.</p>   | <p><i>deleted</i></p> |  |

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| <p>Article 15 (1).</p> |  | <p><i>(moved from Article 15 (1))</i></p> <p><b>4.</b> Where [...] a Member State [...] <b>does not implement the measures outlined in the recommendations referred to in paragraph 3 within the indicated time-limit</b> and the shortcomings in the asylum and reception systems <b>of that Member State [...] have serious consequences</b> [...] for the functioning of the CEAS, the Commission shall, based on its own assessment of [...] the seriousness of the shortcomings, adopt recommendations addressed to that Member State [...] <b>identifying</b> the measures needed to remedy the [...] shortcomings, and where necessary [...] <b>specific</b> measures to be taken by the Agency to support that Member State.</p> |  |
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| <p><i>Article 15(2).</i></p> |  | <p><i>(moved from Article 15 (2))</i><br/> <b>5.</b> The Commission may, taking into account the seriousness of the shortcomings identified, organise on-site visits to the Member State concerned [...]. <b>The Commission shall provide the Member States concerned with sufficient prior notice of any such visit.</b></p>   |  |
| <p><i>Article 15(3).</i></p> |  | <p><i>(moved from Article 15 (3))</i><br/> <b>6.</b> The Member State concerned shall report to the Commission on the implementation of the recommendations referred to in paragraph [...] <b>4</b> within the time-limit set in those recommendations. If after that time-limit, the [...] <b>Member State has not</b> complied with those recommendations, [...] <b>the Commission may [...] make a proposal for a Council implementing act [...]</b> in accordance with Article 22(1).</p> |  |

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| Article 15(4).      |   | <i>(moved from Article 15 (4))</i><br>7. The Commission shall inform the European Parliament and the Council on a regular basis about the progress made by the Member State concerned <b>in the implementation of the recommendations referred to in paragraph 4.</b> |  |
| <i>Amendment 56</i> |   |   |  |
|                     | <i>Article 14a</i><br><i>Liaison officers in Member States</i>  |   |  |
|                     | <i>1. In order to assist the Agency in carrying out its duties under Articles 13 and 14 the Agency shall ensure regular monitoring of the implementation by Member States of the CEAS through liaison officers of the Agency.</i> |   |  |
|                     | <i>The Agency may decide that a liaison officer covers up to four Member States which are geographically close to each other.</i>   |   |  |

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|  | <p><i>2. The Executive Director shall appoint experts from the staff of the Agency to be deployed as liaison officers. The Executive Director shall, in consultation with the Member States concerned, make a proposal on the nature and terms of the deployment and the Member State or region to which a liaison officer may be deployed. The proposal from the Executive Director shall be subject to approval by the Management Board. The Executive Director shall notify the Member State concerned of the appointment of liaison officers and shall determine, together with the Member State concerned, the location of deployment.</i></p> |  |  |
|  | <p><i>3. Liaison officers shall act on behalf of the Agency and shall foster cooperation and dialogue between the Agency and the national authorities responsible for the application of the CEAS, in particular the authorities in charge of processing asylum applications. Liaison officers shall, in particular:</i></p>  |  |  |

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

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|   | <i>Where the reports referred to in point (f) raise concerns about one or more aspects relevant for the Member State concerned, the Member State concerned shall be informed without delay by the Executive Director.</i> |   |  |
|   | <i>4. In carrying out their duties, the liaison officers shall take instructions only from the Agency.</i>  |   |  |
| <i>Article 15</i><br>Follow-up and monitoring |   | <i>Article 15</i><br>Follow-up and monitoring |  |

*Amendment 57*

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| <p>1. Where, after the period referred to in Article 14(5), the Member State concerned has not fully implemented the action plan and the shortcomings in the asylum and reception systems are so serious that they jeopardize the functioning of the CEAS, the Commission shall, based on its own assessment of the implementation of the action plan and the seriousness of the shortcomings, adopt recommendations addressed to that Member State outlining the measures needed to remedy the serious shortcomings, and where necessary setting out the measures to be taken by the Agency to support that Member State.</p> | <p>1. Where, after the period referred to in Article 14(5), the Member State concerned has not fully implemented the action plan [...], the Commission shall, based on its own assessment of the implementation of the action plan and the seriousness of any resulting shortcomings, adopt recommendations addressed to that Member State outlining the measures needed to remedy such serious shortcomings, and where necessary setting out the measures to be taken by the Agency to support that Member State.</p> | <p><i>Moved to Article 14 (4).</i></p> |  |
| <p>2. The Commission may, taking into account the seriousness of the shortcomings identified, organise on-site visits to the Member State concerned to verify the implementation of the action plan.</p>   | <p>2. The Commission may, taking into account the seriousness of the shortcomings identified, organise on-site visits to the Member State concerned to verify the implementation of the action plan.</p>   | <p><i>Moved to Article 14(5).</i></p>  |  |

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| <p>3. The Member State concerned shall report to the Commission on the implementation of the recommendations referred to in paragraph 1 within the time-limit set in those recommendations. If after that time-limit, the Commission is not satisfied that the Member State has fully complied with those recommendations, it may take further action in accordance with Article 22(3).</p> | <p>3. The Member State concerned shall report to the Commission on the implementation of the recommendations referred to in paragraph 1 within the time-limit set in those recommendations. If after that time-limit, the Commission is not satisfied that the Member State has fully complied with those recommendations, it may <b><i>adopt a decision by means of an implementing act, identifying one or more measures necessary to address the serious shortcomings identified.</i></b></p> | <p><i>Moved to Article 14(6).</i></p> |  |
|   | <p><b><i>3a. Where a Member State systematically fails to comply with the measures set out in the implementing act referred to in paragraph 3 within the time-limit set therein, thus putting at serious risk the functioning of the CEAS, the Commission may trigger, as a last resort, the procedure provided for in Article 29 of Regulation (EU) 2016/399, provided that the relevant conditions are met and in line with the principle of necessity and proportionality.</i></b></p>        |                                       |  |

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| 4. The Commission shall inform the European Parliament and the Council on a regular basis about the progress made by the Member State concerned.  | 4. The Commission shall inform the European Parliament and the Council on a regular basis about the progress made by the Member State concerned.  | <i>Moved to Article 14(7).</i>   |   |
|   | <b><i>4a. The Commission shall transmit to the European Parliament, at its request, any document pertaining to the follow-up of the monitoring exercise including the results of any on-site visits.</i></b>    |  |   |
| <b>CHAPTER 6<br/>OPERATIONAL AND<br/>TECHNICAL ASSISTANCE</b>   |   | <b>CHAPTER 6<br/>OPERATIONAL AND<br/>TECHNICAL ASSISTANCE</b>  |   |
| <i>Article 16</i><br>Operational and technical assistance<br>by the Agency  |   | <i>Article 16</i><br>Operational and technical assistance<br>by the Agency   |   |
| <b><i>Amendment 58</i></b>  |   |  |   |
| 1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure. | 1. Member States may request the Agency for assistance in implementing their obligations with regard to asylum, in particular when their asylum and reception systems are subject to disproportionate pressure. | 1. Member States may request the Agency for assistance in implementing their obligations with regard to [...] <b>the CEAS</b> , in particular [...] <b>in situations of</b> disproportionate pressure. | Outcome of the technical meeting 20.03.17 – confirmed by trilogue 21.03.2017<br><br><b>1. The Agency shall provide operational and technical assistance to Member States in accordance with this Chapter:</b> |

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|  |  |  | <p>(a) at the request of the Member State to the Agency with regard to the implementation of its obligations under the CEAS;</p> <p>(b) at the request of the Member State to the Agency where its asylum or reception systems are subject to disproportionate pressure;</p> <p>(c) at the request of the Member State facing disproportionate migratory challenges and requesting operational and technical reinforcement through the deployment of migration management support teams in accordance with Article 21;</p> <p>(d) upon the initiative of the Agency where a Member State's asylum or reception systems are subject to disproportionate pressure, and with the agreement of the Member State concerned;</p> <p>[(e) where the Agency provides operational and technical assistance in accordance with Article 22.]</p> |
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| <p>2. Member States shall submit a request for assistance to the Executive Director describing the situation and the purpose of the request. The request shall be accompanied by a detailed assessment of needs. The Executive Director shall evaluate, approve and coordinate requests for assistance. Each shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose a set of measures as referred to in paragraph 3 that can meet the needs of the Member State concerned.</p> | <p>2. Member States shall submit a request for assistance to the Executive Director describing the situation and the purpose of the request. The request shall be accompanied by a detailed assessment of needs. The Executive Director shall evaluate, approve and coordinate requests for assistance. Each shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose a set of measures <i>within a reasonable time</i> as referred to in paragraph 3 that can meet the needs of the Member State concerned.</p> |  | <p><u>Outcome of TM 10/03/2017 - confirmed by trilogue 21.03.2017:</u></p> <p><i>Moved to Article 20</i></p>   |
| <p>3. The Agency shall organise and coordinate, for a limited period of time, one or more of following operational and technical measures:</p>   | <p>3. The Agency shall organise and coordinate, for a limited period of time, one or more of following operational and technical measures <i>in full compliance with fundamental rights</i>:</p>   | <p><b>2. [...] Without prejudice to Article 22, the Agency shall, at the request of the Member State or on its own initiative and with the agreement of the Member State concerned, organise and coordinate [...] the appropriate operational and technical [...] assistance, which may entail taking one or more of the following [...] measures:</b></p> | <p><u>Outcome of TM 20/03/2017 - confirmed by trilogue 21.03.2017</u></p> <p><b>2. The Agency shall organise and coordinate [...] the appropriate operational and technical assistance which may entail taking one or more of the following operational and technical measures [in full respect for fundamental rights]:</b></p> |

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| <p>(a) assist Member States with the identification and registration of third-country nationals;</p>   | <p>(a) assist Member States with the identification and registration of third-country nationals;</p>  | <p>(a) assist Member States with the identification [...] of third-country nationals <b>and with receiving and registering applicants for international protection, in close cooperation with other Union Agencies as appropriate;</b></p>              | <p><u>Outcome of TM 10/03/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(a) assist Member States with the identification and registration of third-country nationals, <b>as appropriate, in close cooperation with other Union Agencies;</b></p>   |
|  |   |   | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><i>(aa) assist Member States with receiving and registering applications for international protection;</i></p>   |
| <p>(b) facilitate the examination of applications for international protection that are under examination by the competent national authorities;</p> | <p>(b) facilitate the examination of applications for international protection that are under examination by the competent national authorities <b>including, where appropriate, by assisting Member States in the examination of the admissibility of asylum applications;</b></p> | <p>(b) facilitate the examination of applications for international protection that are under examination by the competent national authorities <b>or provide them with the necessary assistance in the procedure for international protection;</b></p> | <p><u>Outcome of TM 10/03/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(b) facilitate the examination of applications for international protection that are under examination by the competent national authorities <b>or provide them with the necessary assistance in the procedure for international protection;</b></p> |

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| (c) provide assistance to competent national authorities responsible for the examination of applications for international protection; | (c) provide assistance to competent national authorities responsible for the examination of applications for international protection <i>including by means of joint processing if requested by the Member State concerned</i> ; | <i>Deleted, moved to point (b).</i>   | <i>Covered by point (b) above and (d) below.</i>   |
| (d) facilitate Member States' initiatives of technical cooperation in processing of applications for international protection;         | (d) facilitate Member States' initiatives of technical cooperation in processing of applications for international protection;   | (d) facilitate [...] <b>joint</b> initiatives of [...] <b>Member States</b> in processing of applications for international protection; | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>(d) facilitate [...] <b>joint</b> initiatives of [...] <b>Member States</b> in processing of applications for international protection; |
| (e) assist with the provision of information on the international protection procedure;  | (e) assist with the provision of information on the international protection procedure;  | (e) assist with the provision of information on the international protection procedure;   | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>(e) assist with the provision of information on the international protection procedure;   |

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| <p>(f) advise and coordinate the setting up or provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;</p> | <p>(f) advise and coordinate the setting up or provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;</p> | <p>(f) advise, [...] <b>assist or</b> coordinate the setting up or the provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>(f) advise, [...] <b>assist or</b> coordinate the setting up or the provision of reception facilities by the Member States, in particular emergency accommodation, transport and medical assistance;</p> |
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| <p>(g) assist with the relocation or transfer of beneficiaries of international protection within the Union;</p>              | <p>(g) assist with, <i>carry out or coordinate</i> the relocation or transfer of beneficiaries of <i>and applicants for</i> international protection within the Union;</p>   | <p>[(g) assist <b>with the tasks and obligations set out in Regulation (EU) No XXX/XXX [the Dublin Regulation]</b> as well as with relocation or transfer of <b>applicants or</b> beneficiaries of international protection within the Union;]</p> | <p>Under discussion</p> <p>Text in square brackets is not yet part of the mandate for negotiations with EP at the Council level.</p>   |
| <p>(h) provide interpretation services;</p>   | <p>(h) provide interpretation services;</p>  | <p>(h) provide interpretation services;</p>  | <p>Outcome of TM of 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>(h) provide interpretation services;</p>  |
| <p>(i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place;</p> | <p>(i) assist Member States in ensuring that all the necessary <i>safeguards for respecting the rights of the</i> child are in place, <i>in full compliance with the best interests of the child, including identification and referral procedures for minors</i>;</p> | <p>(i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place, <b>in particular as regards unaccompanied minors</b>;</p>  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>(i) assist Member States in ensuring that all the necessary child rights and child protection safeguards are in place, in particular as regards unaccompanied minors.</b></p> <p><i>as well as a new article 2a - "Best interests of the child":</i></p> <p><i>"The best interests of the child shall be a primary consideration when applying this Regulation."</i></p> |

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|   |   | <p><b>(j) assist Member States in identifying applicants with special procedural or reception needs and in ensuring that all the necessary safeguards for those applicants are in place;</b></p>      | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>(ja) assist Member States in [...] identifying applicants in need of special procedural guarantees or applicants with special reception needs, or other persons in a vulnerable situation, including minors, as well as in referring those persons to the competent national authorities for appropriate assistance on the basis of national measures, and in ensuring that all the necessary safeguards for those applicants are in place;</b></p> |
| <p>(j) form part of the migration management support teams at hotspot areas referred to in Regulation No XXX/XXX.</p> | <p>(j) form part of the migration management support teams at hotspot areas referred to in Regulation No XXX/XXX.</p> | <p><b>(k) cooperate with other relevant Union Agencies and Member States when forming part of the migration management support teams at hotspot areas referred to in Regulation No 2016/1624.</b></p> | <p>Outcome of the technical meeting 20.03.17 – confirmed by trilogue 21.03.2017</p> <p>(k) form part of the migration management support teams at hotspot areas referred to in Regulation <b>2016/1624 in close cooperation with other relevant Union Agencies;</b></p>   |

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|  | <i>(j a) assist with identification and referral procedures and safeguards for vulnerable persons, and with the provision of adequate assistance to such vulnerable persons;</i> |  | <u>Outcome of the discussion of the technical trilogue 10/3/2017 - confirmed by trilogue 21.03.2017</u><br><br><u>Moved to point (ja) above</u>   |
|  |  |  | <u>Outcome of the discussion of the technical trilogue 10/3/2017 - confirmed by trilogue 21.03.2017</u><br><br><b>(jc new) deploy asylum support teams;</b>   |
|  |  |  | <u>Outcome of the discussion of the technical trilogue 20/3/2017 - confirmed by trilogue 21.03.2017</u><br><br><b>(jd new) deploy technical equipment for the asylum support teams, as appropriate.</b> |
|  | <i>(j b) provide any additional form of operational and technical assistance requested by the Member State in accordance with paragraph 1.</i>                                   |  | <i>EP agrees to delete this text.</i>   |

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|   | <p><i>3a. For the purposes of organising and coordinating the operational and technical measures, the Agency may enter into emergency standby agreements with the UNHCR and relevant intergovernmental or non-governmental organisations to complement the Agency's capacity to provide operational and technical assistance to Member States, in particular with regard to the setting up or provision of reception facilities, the provision of information to asylum seekers, identification, referral and assistance to vulnerable persons and the provision of interpretation services;</i></p> |   | <p><u>Outcome of technical discussions:</u></p> <p><i>EP agrees to delete and cover this issue in the context of Articles 37 and 53 (see those Articles).</i></p>       |
| <p>4. The Agency shall finance or co-finance the activities set out in paragraph 3 from its budget in accordance with the financial rules applicable to the Agency.</p> | <p>4. The Agency shall finance or co-finance the activities set out in paragraph 3 from its budget in accordance with the financial rules applicable to the Agency.</p>  | <p><b>3.</b> The Agency shall finance or co-finance the activities set out in paragraph <b>2</b> from its budget in accordance with the financial rules applicable to the Agency.</p> | <p>3. The Agency shall finance or co-finance the activities set out in paragraph 2 from its budget in accordance with the financial rules applicable to the Agency.</p> |

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| <p>5. The Executive Director shall evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports to the Management Board within 60 days from the end of those measures. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual activity report referred to in Article 65.</p> | <p>5. The Executive Director shall, <i>based on a reporting and evaluation scheme containing indicators and benchmarks for the evaluation, including with regard to the protection of fundamental rights, and taking into account, where available, information from other Union agencies and the bodies, organisations and persons referred to in Article 2 (2a)</i>, evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports to the Management Board, <i>to the Commission and to the European Parliament</i> within 60 days from the end of those measures, <i>together with the observations of the Fundamental Rights Officer</i>. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual activity report referred to in Article 65.</p> | <p>4. The Executive Director shall evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports to the Management Board within 60 days from the end of <b>the implementation</b> of those measures. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual report referred to in Article 65.</p> | <p><u>Outcome of technical discussions:</u> <i>the reference to Article 2(2a) and FRO in the EP amendment to be discussed further</i></p> <p><b>4.</b> The Executive Director shall evaluate the result of the operational and technical measures and shall transmit detailed evaluation reports <b>in accordance with the reporting and evaluation scheme provided for in the operational plan [pending: and taking into account, where appropriate, information from Article 2(2a)]</b> to the Management Board within 60 days from the end of <b>the provision of</b> those measures, <b>[together with the observations of the Fundamental Rights Officer]</b>. The Agency shall make a comprehensive comparative analysis of those results which shall be included in the annual activity report referred to in Article 65.</p> |
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| <p align="center"><i>Article 17</i><br/>Asylum support teams</p>  |   | <p><i>Article 17 deleted/ partially moved to Articles 19A and 19B.</i></p> |  |
| <b><i>Amendment 59</i></b>  |   |  |  |
| <p>1. The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance in accordance with Article 16.</p>  | <p>1. The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance in accordance with Article 16.</p>  |  |  |
| <p>2. The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency.</p>   | <p>2. The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency.</p>   |  |  |
| <p>3. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of experts to be made available for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.</p> | <p>3. On a proposal by the Executive Director, the Management Board shall decide by an absolute majority of its members with a right to vote on the profiles and the overall number of experts to be made available for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.</p> |  |  |

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| <p>4. Member States shall contribute to the asylum support teams through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles.</p>   | <p>4. Member States shall contribute to the asylum support teams through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles.</p>   |  |  |
| <p>5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters. Member States may choose either to deploy the interpreters or to make them available by video-conferencing.</p> | <p>5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters. Member States may choose either to deploy the interpreters or to make them available by video-conferencing.</p> |  |  |

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| <p>6. The contribution by Member States as regards their own experts or experts seconded to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and the Member States. In accordance with those agreements, Member States shall make the experts immediately available for deployment unless they are faced with an exceptional situation substantially affecting the discharge of national tasks.</p> | <p>6. The contribution by Member States as regards their own experts or experts seconded to the Agency for the following year shall be planned on the basis of annual bilateral negotiations and agreements between the Agency and the Member States. In accordance with those agreements, Member States shall make the experts immediately available for deployment unless they are faced with an exceptional situation substantially affecting the discharge of national tasks.</p> |  |  |
| <p>7. Member States shall ensure that the experts that they contribute match the profiles and numbers decided upon by the Management Board. The duration of deployment shall be determined by the home Member State but it shall not be less than 30 days.</p>  | <p>7. Member States shall ensure that the experts that they contribute match the profiles and numbers decided upon by the Management Board. The duration of deployment shall be determined by the home Member State but it shall not be less than <b>60</b> days.</p>   |  |  |
| <p>8. The Agency shall contribute to the asylum support teams with experts from its own staff employed specifically for field work and interpreters.</p>  | <p>8. The Agency shall contribute to the asylum support teams with experts from its own staff employed <b>and trained</b> specifically for field work and interpreters <b>with at least a basic training</b>.</p>   |  |  |

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|   | <p><i>8a. The Agency shall inform the European Parliament on an annual basis of the number of experts deployed to the asylum support teams in accordance with this Article. That report shall list the Member States that have invoked the exceptional situation referred to in paragraph 6 in the previous year. It shall also include the reasons for invoking the exceptional situation and information provided by the Member State concerned.</i></p> |  |  |
| <p><i>Article 18</i><br/>Asylum intervention pool</p> |  | <p><i>Article 18 deleted/ partially moved to Article 19A/19B</i></p> |  |

*Amendment 60*

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| <p>1. For the purposes of Article 22, the Management Board shall, on a proposal of the Executive Director, set up an asylum intervention pool which shall constitute a reserve of experts placed at the immediate disposal of the Agency. For that purpose, Member States shall, on a yearly basis, make available to the Agency a number of experts of not less than 500 persons.</p>        | <p>1. For the purposes of Article 22, the Management Board shall, on a proposal of the Executive Director, set up an asylum intervention pool which shall constitute a reserve of experts placed at the immediate disposal of the Agency. For that purpose, Member States shall, on a yearly basis, make available to the Agency a number of experts of not less than 500 persons.</p> |  |  |
| <p>2. The Management Board shall, on a proposal of the Executive Director, decide by a three-fourths majority of members with a right to vote on the profiles of experts and on the share that each Member State shall contribute to constitute the asylum intervention pool. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.</p> | <p>2. The Management Board shall, on a proposal of the Executive Director, decide [...] on the profiles of experts. [...]</p>  |  |  |

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| <p>3. Member States shall contribute to the asylum intervention pool through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles. The duration of deployment shall be determined by the home Member State but it shall not be less than 30 days.</p> | <p>3. Member States shall contribute to the asylum intervention pool through a national expert pool on the basis of the various defined profiles and by nominating experts corresponding to the required profiles. The duration of deployment shall be determined by the home Member State but it shall not be less than <b>60</b> days.</p>   |  |  |
|   | <p><b><i>3a. The Executive Director may verify whether the experts made available by Member States in accordance with paragraph 1 correspond to the defined profiles and shall decide on the experts to be chosen from the asylum intervention pool. The Executive Director may request that a Member State remove an expert from the asylum intervention pool where the required profiles are not met. He or she shall request that a Member State remove an expert from the asylum intervention pool in the case of misconduct or infringement of the applicable deployment rules.</i></b></p> |  |  |

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|  | <p><b><i>3b. Each Member State shall contribute to the number of experts, as referred to in paragraph 1, in accordance with Annex 1a. Member States who do not make available the required number of experts shall instead provide a financial contribution to a platform set up at Union level, contributing to addressing challenges due to disproportionate pressure and managed directly or indirectly by the Agency, unless they are faced with an exceptional situation substantially affecting the discharge of national tasks in line with the information analysis referred to in Article 4.</i></b></p> |  |  |
|  | <p><b><i>3c. Where a situation arises in which more experts are required than made available under paragraph 1, the Executive Director shall immediately inform the European Parliament, the Council and the Commission. He or she shall also call upon the Council to seek commitments from Member States to meet the shortage.</i></b></p>  |  |  |

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|  | <p><i>3d. The Agency shall inform the European Parliament on an annual basis of the number of experts that each Member State has committed and the number experts actually deployed from the pool in accordance with this Article.</i></p> |  |  |
|  |  | <p><b><u>Article 20</u></b><br/><b>Procedure for providing operational and technical assistance</b></p>  |  |
|  |  | <p><b>1. For the purposes of Article 16(1), Member States shall submit a request for assistance to the Executive Director describing the situation and the purpose of the request. The request shall be accompanied by a detailed assessment of needs and, as appropriate, the measures already taken at national level.</b></p> | <p><u>Outcome of the discussion of the technical trilogue 20/3/2017, confirmed by trilogue 21.03.2017:</u></p> <p>1. A request for assistance <b>by the Member State as referred to in Article 16(1)(a), (b) and (c) shall be addressed to the Executive Director and shall describe the situation and the purpose of the request. Such a request shall be accompanied by a detailed assessment of needs and, as appropriate, a description of the measures already taken at national level.</b></p> |

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|  |  | <p>2. Where the asylum or reception systems are subject to disproportionate pressure [...] the Agency shall, at the request of the Member State concerned or on its own initiative <b>and with the prior agreement of the Member State concerned</b>, organise and coordinate, <b>in close cooperation with that Member State</b>, a comprehensive set of operational and technical measures as referred to in Article 16(2) [...].</p> | <p><u>Outcome of the discussion of the technical trilogue 20/3/2017, confirmed by trilogue 21.03.2017</u></p> <p><b>2. Where a Member State agrees to the assistance proposed on the initiative of the Agency as referred to in Article 16(1)(d), the Member State concerned shall submit to the Agency a detailed assessment of needs and, as appropriate, a description of the measures already taken at national level.</b></p> |
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|  |  | <p><i>(Moved partly from 16(2))</i></p> <p><b>3.</b> The Executive Director shall evaluate, approve and coordinate requests for assistance <b>and deployment of asylum support teams made in accordance with paragraph (1) or (2).</b> The Executive Director shall immediately notify the Management Board of any such request [...].</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue</u></p> <p><b>3.</b> The Executive Director shall evaluate, approve and coordinate requests for assistance, <b>including the deployment of asylum support teams.</b> The Executive Director shall immediately notify the Management Board of [...] requests <b>for assistance or the Agency's own initiative to provide assistance, and shall examine the detailed assessment of needs submitted by the Member State concerned.</b></p> |
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|  |  | <p><b>4. Each request for assistance</b> shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose a set of measures as referred to in [...] <b>Article 16(2)</b> that can meet the needs of the Member State concerned. If necessary, the Executive Director may send experts from the Agency to assess the situation of the Member State requiring assistance.</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>4. Each request <b>and initiative</b> for assistance shall be subject to a thorough and reliable assessment enabling the Agency to identify and propose [...] <b>one or more</b> measures as referred to in Article 16(2) that can meet the needs of the Member State concerned. If necessary, the Executive Director may send experts from the Agency to assess the situation of the Member State requiring assistance.</p> |
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|   |  | <p>5. The Executive Director shall take a decision on [...] <b>the provision of operational and technical assistance and</b> deployment of asylum support teams within three working days from the date of receipt of the request <b>or agreement of the Member State concerned as referred to in paragraphs 1 or 2, or within 5 working days from that same date where experts are sent to the Member State concerned as referred to in paragraph 4.</b> The Executive Director shall at the same time notify the Member State concerned and the Management Board of the decision in writing stating the main reasons [...] <b>on which the decision is based.</b></p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>5. The Executive Director shall take a decision on [...] <b>the provision of operational and technical assistance including</b> the deployment of asylum support teams within three working days from the date of receipt of the request <b>or the agreement of the Member State to the Agency's own initiative or within five working days from that same date where experts are sent to the Member State concerned as referred to in paragraph 4.</b> The Executive Director shall at the same time notify the Member State concerned and the Management Board of the decision in writing stating the main reasons [...] <b>on which the decision is based.</b></p> |
| <p><i>Article 19</i><br/>Operational plan</p> |  | <p><i>Article 19</i><br/>Operational plan</p>   |   |

*Amendment 61*

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

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

1. The Executive Director and the host Member State shall [...] **draw up** an operational plan. The Executive Director and the host Member State shall agree on an operational plan **within ten working days from the day on which the decision referred to in Article 20(5) is taken, or within five working days from the day of such a decision in the cases referred to in Article 20(2). The participating Member States shall be consulted on the operational plan through the national contact points referred to in Article 24.**

Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017

1. The Executive Director [...] shall draw up an operational plan **in cooperation with the host Member State.** The Executive Director and the host Member State shall agree on an operational plan **within ten working days from the day on which the decision referred to in Article 20(5) is taken in the case referred to in Article 16(1)(a) or within five working days from the day on which such a decision is taken in the case referred to in Article 16(1)(b) or agreement provided in the case referred to in Article 16(1)(d). The participating Member States shall be consulted, where necessary, on the operational plan through the national contact points referred to in Article 24.**

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| <p>2. The operational plan shall set out in detail the conditions for the provision of the operational and technical assistance and the deployment of the asylum support teams or experts from the asylum intervention pool, including the following:</p> | <p>2. The operational plan shall set out in detail the conditions for the provision of the operational and technical assistance and the deployment of the asylum support teams or experts from the asylum intervention pool, including the following:</p> | <p>2. The operational plan shall <b>be binding on the Agency, the host and the participating Member States.</b> [...] It shall set out in detail the conditions for the [...] deployment of the asylum support teams [...] <b>within the</b> provision of the operational and technical assistance <b>as referred to in Article 16(2) as well as organisational aspects,</b> including the following:</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>2. The operational plan shall <b>be binding on the Agency, the host and the participating Member States.</b> [...] It shall set out in detail the conditions for the [...] deployment of the asylum support teams [...] <b>within the framework</b> of the operational and technical assistance, <b>as well as organisational aspects,</b> including the following:</p> |
| <p>(a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;</p>   | <p>(a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;</p>   | <p>(a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;</p>   | <p><u>Outcome of the TM 10/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(a) a description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;</p>  |
| <p>(b) the foreseeable duration of the deployment;</p>  | <p>(b) the foreseeable duration of the deployment;</p>  | <p>(b) the foreseeable duration of the deployment;</p>  | <p><u>Outcome of the TM 10/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(b) the foreseeable duration of the deployment;</p>   |

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| (c) the location in the host Member State where the asylum support teams or experts from the asylum intervention pool shall be deployed;   | (c) the location in the host Member State where the asylum support teams or experts from the asylum intervention pool shall be deployed;   | (c) the location in the host Member State where the asylum support teams [...] shall be deployed;                 | <u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u><br><br>(c) [...] location in the host Member State where the asylum support teams [...] shall be deployed;               |
|  | <i>(c a) the territorial scope of asylum support teams, where such teams are to be mobile;</i>   |   | <u>Outcome of the TM 10/3/2017 - confirmed by trilogue 21.03.2017</u><br><br>Moved under point (c)   |
| (d) logistical arrangements including information on working conditions and the environment at the location where the asylum support teams or experts from the asylum intervention pool shall be deployed; | (d) logistical arrangements including information on working conditions and the environment at the location where the asylum support teams or experts from the asylum intervention pool shall be deployed; | (d) logistical arrangements including information on working conditions [...] for the asylum support teams [...]; | <u>Outcome of the TM 10/3/2017 - confirmed by trilogue 21.03.2017</u><br><br>(d) logistical arrangements including information on working conditions [...] for the asylum support teams [...]; |

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| <p>(e) a detailed and clear description of the tasks and special instructions for the asylum support teams or experts from the asylum intervention pool, including the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;</p> | <p>(e) a detailed and clear description of the tasks and <b>responsibilities, including with regard to the respect for fundamental rights</b> and special instructions for the asylum support teams or experts from the asylum intervention pool, including the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;</p> | <p>(e) a detailed and clear description of the tasks <b>to be carried out in close cooperation with the responsible national authorities</b> and special instructions for the asylum support teams, including <b>as regards</b> the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;</p> | <p><i>Confirmed by trilogue of 2 May except for the reference to fundamental rights in square brackets:</i></p> <p>(e) a detailed and clear description of the tasks and [...] <b>responsibilities of the asylum support teams, including with regard to the respect for fundamental rights;</b></p>                       |
|   |  |  | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(ee) [...] instructions for the asylum support teams [...], including <b>as regards</b> the national and European databases that they are authorised to consult and the equipment that they may use or carry in the host Member State;</p> |

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| <p>(f) the composition of the asylum support teams or the experts to be deployed from the asylum intervention pool;</p>                                       | <p>(f) the composition of the asylum support teams or the experts to be deployed from the asylum intervention pool;</p>                                       | <p>(f) the composition of the asylum support teams [...] <b>in terms of profiles and number of</b> experts [...];</p>                                      | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(f) the composition of the asylum support teams [...] <b>in terms of profiles and number of</b> experts [...];</p>                                      |
| <p>(g) the technical equipment deployed, including specific provisions such as conditions of use, transport and other logistics and financial provisions;</p> | <p>(g) the technical equipment deployed, including specific provisions such as conditions of use, transport and other logistics and financial provisions;</p> | <p>(g) the technical equipment [...], including specific provisions such as conditions of use, transport and other logistics and financial provisions;</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(g) the technical equipment [...], including specific provisions such as conditions of use, transport and other logistics and financial provisions;</p> |
|   |   | <p><b>(h) capacity-building activities related to the operational and technical assistance being provided;</b></p>   | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p><b>(h) capacity-building activities related to the operational and technical assistance being provided;</b></p>   |

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| <p>(h) regarding assistance with applications for international protection, including as regards the examination of such applications, specific information on the tasks that the asylum support teams or the experts from the asylum intervention pool may perform as well as reference to applicable national and Union law;</p> | <p>(h) regarding assistance with applications for international protection, including as regards the examination of such applications, specific information on the tasks that the asylum support teams or the experts from the asylum intervention pool may perform, as well as [...] <i>a clear description of their responsibilities and of the</i> applicable national, <i>international</i>, and Union law <i>including the liability regime, also by reference to Article 26;</i></p> | <p>(i) regarding assistance with applications for international protection, including as regards the examination of such applications, <b>and without prejudice to the competence of Member States to decide on individual applications,</b> specific information on the tasks that the asylum support teams [...] may perform as well as reference to applicable national and Union law;</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(i) regarding assistance with applications for international protection, including as regards the examination of such applications, <b>and without prejudice to the competence of Member States to decide on individual applications,</b> specific information on the tasks that the asylum support teams [...] may perform as well as [...] <b>a clear description of their responsibilities and of the</b> applicable national, <b>international</b>, and Union law <b>including the liability regime;</b></p> |
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| <p>(i) a reporting and evaluation scheme containing benchmarks for the evaluation report and final date of submission of the final evaluation report;</p> | <p>(i) a reporting and evaluation scheme containing benchmarks for the evaluation report <b><i>including with regard to respect of fundamental rights</i></b>, and final date of submission of the final evaluation report;</p> | <p>(j) a reporting and evaluation scheme containing benchmarks for the evaluation report and final date of submission of the final evaluation report;</p>  | <p><i>Confirmed by trilogue of 2 May, except for the reference in square brackets</i></p> <p>(j) a reporting and evaluation scheme containing benchmarks for the evaluation report <b>[including with regard to respect for fundamental rights]</b>, and final date of submission of the final evaluation report;</p> |
| <p>(j) modalities of cooperation with third countries, other Union agencies, bodies, offices or international organisations;</p>                          | <p>(j) modalities of cooperation with third countries, other Union agencies, bodies, offices or international organisations <b><i>in areas where those actors have similar mandates</i></b>;</p>                                | <p>(k) <b>where appropriate</b>, modalities of cooperation with third countries, other Union agencies, bodies, offices or international organisations;</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>(k) <b>where appropriate</b>, modalities of cooperation with third countries, other Union agencies, bodies, offices or international organisations <b>within the respective mandates of those actors</b>;</p>                         |

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| <p>(k) procedures whereby persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and persons in a vulnerable situation are directed to the competent national authorities for appropriate assistance.</p> | <p>(k) procedures [...] <i>for identification and referral of minors and vulnerable persons to the competent national authorities for appropriate assistance and care;</i></p> | <p>(l) [...] <b>measures for the referral of persons</b> in need of international protection, victims of trafficking in human beings, unaccompanied minors and persons in a vulnerable situation [...] to the competent national authorities for appropriate assistance.</p> | <p>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</p> <p>(l) [...] <i>measures for referring</i> persons in need of international protection, victims of trafficking in human beings, minors and <i>any other</i> vulnerable persons [...] to the competent national authorities for appropriate assistance.</p> |
|  | <p><i>(k a) procedures setting out the practical arrangements related to the complaint mechanism referred to in Article 54c.</i></p>   |  | <p><i>PENDING, to be discussed in relation to Article 54c:</i></p> <p><i>[(k a) practical arrangements related to the complaint mechanism referred to in Article 54c.]</i></p>   |

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|  | <p><i>2a. In Member States where the UNHCR is operational and has the capacity to contribute to the request for operational and technical assistance, the Agency shall coordinate with the UNHCR as regards the development and implementation of the operational plan, where appropriate.</i></p>   |  | <p>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</p> <p><i>2a. In Member States where UNHCR is operational and has the capacity to contribute to the request for operational and technical assistance, the Agency shall coordinate with UNHCR as regards the implementation of the operational plan, where appropriate, and upon agreement of the Member State concerned.</i></p>   |
| <p>3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams or the asylum intervention pool to consult European databases and it may authorise them to consult its national databases in compliance with Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.</p> | <p>3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams or the asylum intervention pool to consult European databases and it may authorise them to consult its national databases in compliance with Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.</p> | <p>3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams [...] to consult European databases and it may authorise them to consult its national databases in accordance with <b>relevant</b> Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.</p> | <p>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</p> <p>3. Having regard to point (e) of paragraph 2, the host Member State shall authorise experts from the asylum support teams [...] to consult European databases and it may authorise them to consult its national databases in accordance with <b>relevant</b> Union and national law on access and consultation of those databases, and as necessary to achieve the objectives and perform the tasks outlined in the operational plan.</p> |

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| <p>4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State. The Agency shall immediately send a copy of the amended or adapted operational plan to the participating Member States.</p> | <p>4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State. The Agency shall immediately send a copy of the amended or adapted operational plan to the participating Member States.</p> | <p>4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State, <b>after consultation of the participating Member States.</b> The Agency shall immediately send a copy of the amended or adapted operational plan to the <b>national contact point of participating Member States referred to in Article 24.</b></p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>4. Any amendments to or adaptations of the operational plan shall require the agreement of the Executive Director and the host Member State, <b>after consultation of the participating Member States, where necessary.</b> The Agency shall immediately send a copy of the amended or adapted operational plan to the <b>national contact point of participating Member States referred to in Article 24.</b></p> |
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|  |  | <p><b>5. The Executive Director shall, after informing the host Member State, suspend or terminate the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State. The Executive Director may request the home Member State to arrange for the removal of the deployed expert to the asylum support teams in case of misconduct or infringement of the applicable rules. In such cases, the expert concerned shall not be considered for future deployments.</b></p> | <p><i>Confirmed by trilogue of 2 May except for the reference to Fundamental Rights officer in square brackets:</i></p> <p><b>5. The Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State or if, [after consulting the Fundamental Rights Officer], he or she considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.</b></p> |
|  |  | <p><i>Article 19A</i><br/><b>Composition of asylum support teams</b></p>  |  |

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| <p>Articles 17(2) and 20(3).</p> |  | <p>1. <b>The Executive Director shall determine</b> the composition of each asylum support team <b>which shall be constituted in accordance with the operational plan.</b> The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency. <b>For the purpose of composing the asylum support teams,</b> the Executive Director shall take into account the particular circumstances of the Member State <b>concerned</b> [...].</p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>1. <b>The Executive Director shall determine</b> the composition of each asylum support team [...]. The asylum support teams shall consist of experts from the Agency's own staff, experts from Member States or experts seconded by Member States to the Agency. <b>For the purpose of composing the asylum support teams,</b> the Executive Director shall take into account the particular circumstances of the Member State <b>concerned</b> [...]. The asylum support team shall be constituted in accordance with the operational plan.</p> |
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| <p>Article 17(3).</p> |  | <p><b>2. On the basis of annual bilateral negotiations between the Agency and the Member States, [...] the Management Board shall, on a proposal by the Executive Director, decide [...] on the profiles and the overall number of experts to be made available by each Member State for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.</b></p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>2. On a proposal by the Executive Director, the Management Board shall decide on the profiles and the overall number of experts to be made available for the asylum support teams. The same procedure shall apply to any subsequent changes in the profiles and the overall number of experts.</p> |
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| <p>Article 17(4).</p> |  | <p>3. Member States shall contribute to the asylum support teams through <b>the nomination of national experts [...] who correspond to the required profiles and numbers as decided upon by the Management Board in accordance with paragraph 2. Member States shall make their own experts or experts seconded to the Agency available for deployment at the request of the Agency unless they are faced with an exceptional situation substantially affecting the discharge of national tasks. The specific situation and available resources of the Member States shall be taken into account.</b></p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>3. Member States shall contribute to the asylum support teams through <b>the nomination of national experts [...] who correspond to the required profiles as decided upon by the Management Board in accordance with paragraph 1. The number of experts to be made available by each Member State for the following year shall be defined</b> on the basis of annual bilateral negotiations and agreements between the Agency and the Member State concerned.</p> <p>In accordance with those agreements, Member States shall make <b>their own experts or experts seconded to the Agency</b> available for deployment at the request of the Agency unless they are faced with an exceptional situation substantially affecting the discharge of national tasks.</p> |
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| <p><i>Article 17(8).</i></p> |  | <p><b>4.</b> The Agency shall contribute to the asylum support teams <b>primarily</b> with experts from its own staff [...], <b>including experts</b> employed [...] for field work and interpreters <b>who may be recruited in the host Member States.</b></p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p><b>4.</b> The Agency shall contribute to the asylum support teams with experts from its own staff [...], <b>including experts</b> employed [...], <b>and trained</b> for field work and interpreters <b>with at least basic training or proven experience who may be recruited in the host Member States.</b></p> |
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| <p>Article 17(5).</p> |  | <p>5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters, [...] <b>including individuals who do not form part of the national administration of Member States. Assistance with interpretation may be provided through the deployment of interpreters in the Member State concerned or, where appropriate, via video-conferencing.</b></p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p>5. As part of the asylum support teams, the Agency shall set up a list of interpreters. Member States shall assist the Agency in identifying interpreters for the list of interpreters, [...] <b>including individuals who do not form part of the national administration of Member States. Assistance with interpretation may be provided through the deployment of interpreters in the Member State concerned or, where appropriate, via video-conferencing.</b></p> |
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|  |  | <p><i>(Moved from Article 18(2))</i></p> <p><b>6. [...] An asylum reserve pool of a minimum of 500 persons shall be set up for the purposes of deploying asylum support teams under Article 20(2) and Article 22. That pool [...] shall constitute a reserve of experts to be placed at the immediate disposal of the Agency upon its request. For that purpose, each Member State shall [...] make available to the Agency a number of experts [...] and shall be responsible for its contribution to the number of experts in accordance with the Annex. The Management Board shall, on a proposal of the Executive Director, decide by a three-fourths majority of members with a right to vote on the profiles of experts [...] of the asylum [...] reserve pool. The same procedure shall apply to any subsequent changes in the profiles [...] of experts.</b></p> | <p><u>Outcome of the TM 20/3/2017 - confirmed by trilogue 21.03.2017</u></p> <p><b>6. [...] An asylum reserve pool of a minimum of 500 persons shall be set up for the purposes of deploying asylum support teams in the cases referred to in Articles 16(1)(b) and (d) and Article 22. That pool [...] shall constitute a reserve of experts to be placed at the immediate disposal of the Agency. For that purpose, each Member State shall [...] make available to the Agency a number of experts [...] and shall be responsible for its contribution to the number of experts in accordance with the Annex. The Management Board shall, on a proposal of the Executive Director, decide by a three-fourths majority of members with a right to vote on the profiles of experts [...] of the asylum [...] reserve pool. The same procedure shall apply to any subsequent changes in the profiles [...] of experts.</b></p> |
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|  |  |  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>6a. The Executive Director may verify whether the experts made available by Member States in accordance with paragraph 6 correspond to the defined profiles. In advance of deployment, the Executive Director may request that a Member State remove an expert from the asylum reserve pool where the required profile is not met and replace him with an expert having one of the required profiles.</b></p> |
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|  |  | <p><b>6a. A Member State may request the Management Board in writing to be temporarily exempted from the obligation to contribute experts to the asylum reserve pool referred to in paragraph 6. Such a request shall provide comprehensive reasons and information on the situation in that Member State. The Management Board shall decide by a majority of three-fourths of members with the right to vote to temporarily exempt that Member State from part of its contribution fixed by the decision of the Management Board referred to in Article 19a(6).</b></p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>6b. Without prejudice to Article 22(5) and when faced with an exceptional situation substantially affecting the discharge of national tasks as evidenced by the information analysis referred to in Article 4,</b> a Member State may request the Management Board in writing to be temporarily exempted from the obligation to contribute experts to the asylum reserve pool referred to in paragraph 6. Such a request shall provide comprehensive reasons and information on the situation in that Member State. The Management Board shall decide by a majority of three-fourths of members with the right to vote to temporarily exempt that Member State from part of its contribution fixed in the Annex.</p> |
|  |  | <p><i>Article 19B<br/>Deployment of asylum support teams</i></p>   |  |

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|  |  | <p><b>1.</b> The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance in accordance with Articles <b>20(1), 20(2), 21 and 22.</b></p>  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>1.</b> The Agency shall deploy asylum support teams to Member States to provide operational and technical assistance [...] <b>as referred to in 16(1).</b></p>   |
|  |  | <p><b>2.</b> As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than [...] <b>fifteen</b> working days. The Executive Director shall indicate the number and profiles required from the Member States. That information shall be provided, in writing, to the national contact points <b>referred to in Article 24</b> and shall specify the scheduled date of deployment. A copy of the operational plan shall also be sent to [...] <b>those</b> national contact points.</p> | <p><u>Outcome of technical discussions</u><br/>- <i>the issue of deadlines to be discussed further (EP suggests seven working days as opposed to fifteen in the Council text) -</i></p> <p><b>2.</b> As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than [...] <b>XXX</b> working days. [...] That information shall be provided, in writing, to the national contact points <b>referred to in Article 24</b> and shall specify the scheduled date of deployment. A copy of the operational plan shall also be sent to [...] <b>those</b> national contact points.</p> |

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|  |  | <p><b>4. For the purposes of Article 20(2) and Article 22, the Executive Director shall deploy asylum support teams from the asylum reserve pool as referred to in Article 19a(6). The deployment of experts from the asylum reserve pool shall take place [...] within [...] ten working days from [...] when the operational plan is agreed upon [...] as referred to in Article 19(1) and Article 22(2).</b></p> | <p><u>Outcome of technical discussions</u><br/> <i>- the issue of deadlines to be discussed further (EP suggests three working days as opposed to ten in the Council text)</i></p> <p><b>4. The Executive Director shall deploy asylum support teams from the asylum reserve pool in the cases referred to in Article 19A(6). The deployment of experts from the asylum reserve pool shall take place [...] within XXX working days from [...] when the operational plan is agreed upon [...] as referred to in Article 19(1) and Article 22(2).</b></p> |
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|  |  | <p>5. Member States shall, <b>without undue delay</b>, make <b>the experts from the asylum reserve pool</b> available [...] for deployment at the request of the Agency. The host Member State shall not deploy experts forming part of its fixed contribution to that pool. If there is a shortage of experts for deployment in the asylum reserve pool, the Management Board shall, on a proposal of the Executive Director, decide how that shortage is to be filled.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>5. Member States shall, <b>without undue delay</b>, make <b>the experts from the asylum reserve pool</b> available [...] for deployment as determined by the Executive Director. The host Member State shall not deploy experts forming part of its fixed contribution to that pool. If there is a shortage of experts for deployment in the asylum reserve pool, the Management Board shall, on a proposal of the Executive Director, decide how that shortage is to be filled. The Executive Director shall also inform the European Parliament, the Council and the Commission.</p> |
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|  |  | <p>6. [...] The duration of deployment shall be determined by the home Member State but it shall not be less than 30 days, <b>unless the particular operational and technical assistance is required for a shorter duration.</b></p> | <p><u>Outcome of technical discussions</u><br/>- <i>the duration of deployment to be discussed further (EP suggests 60 days as opposed to 30 in the Council text)</i></p> <p>6. The duration of deployment shall be determined by the home Member State but it shall not be less than <b>XXX</b> days, unless the particular operational and technical assistance is required for a shorter duration.</p> |
|  |  |  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>7. The Executive Director shall request that a Member State remove an expert from the asylum support teams in the case of misconduct or infringement of the applicable deployment rules. In such cases, the expert concerned shall not be considered for future deployments.</b></p>  |

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|   |  |   | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>8a. The Agency shall inform the European Parliament by means of its annual report on the situation of asylum referred to in Article 65 of the number of experts committed and deployed to the asylum support teams in accordance with this Article. That report shall list the Member States that have invoked the exceptional situation referred to in article 19A (3) or 19A (6b) in the previous year. It shall also include the reasons for invoking the exceptional situation and information provided by the Member State concerned.</b></p> |
| <p><i>Article 20</i><br/>Procedure for deploying asylum support teams</p> |  | <p><i>Restructured and moved to other Articles.</i></p> |  |

*Amendment 62*

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| <p>1. If necessary, the Executive Director may send experts from the Agency to assess the situation in the Member State requesting assistance. The Executive Director shall immediately notify the Management Board of any request for deployment of asylum support teams.</p>  | <p>1. If necessary, the Executive Director may send experts from the Agency to assess the situation in the Member State requesting assistance. The Executive Director shall immediately notify the Management Board of any request for deployment of asylum support teams.</p>  |  |  |
| <p>2. The Executive Director shall take a decision on the request for deployment of asylum support teams within three working days from the date of receipt of the request. The Executive Director shall at the same time notify the Member State requesting assistance and the Management Board of the decision in writing stating the main reasons for his or her decision.</p> | <p>2. The Executive Director shall take a decision on the request for deployment of asylum support teams within three working days from the date of receipt of the request. The Executive Director shall at the same time notify the Member State requesting assistance and the Management Board of the decision in writing stating the main reasons for his or her decision.</p> |  |  |

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| <p>3. When determining the composition of each asylum support team, the Executive Director shall take into account the particular circumstances of the Member State requesting assistance and its assessment of needs. The asylum support team shall be constituted in accordance with the operational plan.</p> | <p>3. When determining the composition of each asylum support team, the Executive Director shall take into account the particular circumstances of the Member State requesting assistance and its assessment of needs. The asylum support team shall be constituted in accordance with the operational plan.</p> |  |  |
| <p>4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.</p>   | <p>4. The Executive Director and the host Member State shall draw up an operational plan within three working days from the day on which the decision to deploy the asylum support teams is taken.</p>   |  |  |

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| <p>5. As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than seven working days. The Executive Director shall indicate the number and profiles required from the Member States. That information shall be provided, in writing, to the national contact points and shall specify the scheduled date of deployment. A copy of the operational plan shall also be sent to the national contact points.</p> | <p>5. As soon as the operational plan is agreed, the Executive Director shall request the Member States to deploy the experts within no more than seven working days. The Executive Director shall indicate the number and profiles required from the Member States. That information shall be provided, in writing, to the national contact points and shall specify the scheduled date of deployment. A copy of the operational plan shall also be sent to the national contact points, <i>the Commission and the European Parliament.</i></p> |  |  |
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| <p>6. The Executive Director shall, after informing the host Member State, suspend or terminate the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State.</p> | <p>6. The Executive Director [...] <i>may</i>, after informing the host Member State, suspend or terminate, <b><i>in whole or in part</i></b>, the deployment of the asylum support teams if the conditions to carry out the operational and technical measures are no longer fulfilled or if the operational plan is not respected by the host Member State, <b><i>or if, after consulting the Fundamental Rights Officer, he or she considers that there are breaches of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.</i></b></p> |   |  |
| <p><i>Article 21</i><br/>Migration management support teams</p>  |   | <p><i>Article 21</i><br/>Migration management support teams</p> |  |

Amendment 63

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

*Confirmed by trilogue of 2 May:*

**1.** Where a Member State requests operational and technical reinforcement by migration management support teams as referred to in Article [...] **18** of Regulation No 2016/1624 [...] or **where migration management support teams are deployed at hotspot areas based on Article 19 of Regulation No 2016/1624, the Executive Director shall work closely with the European Border and Coast Guard Agency when, as provided for in Article 18(2) of Regulation 2016/1624, in coordination with other relevant Union agencies, he or she assesses a Member State's request for reinforcement and the assessment of its needs for the purpose of defining a comprehensive reinforcement package consisting of various activities coordinated by the relevant Union agencies to be agreed upon by the Member State concerned.**

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| <p>1. Where a Member State requests operational and technical reinforcement by migration management support teams as referred to in Article 17 of Regulation No XXX/XXX or where migration management support teams are deployed at hotspot areas as referred to in Article 18 of Regulation No XXX/XXX, the Executive Director shall ensure coordination of the Agency's activities in the migration management support teams with the Commission and with other relevant Union agencies, in particular, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States.</p> | <p>1. [...] <i>The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation at the hotspot area and be responsible for the</i> coordination of the activities <i>of</i> the migration management support teams.</p> | <p>1. Where a Member State requests operational and technical reinforcement by migration management support teams as referred to in Article [...] <b>18</b> of Regulation No 2016/1624 or where migration management support teams are deployed at hotspot areas based on Article [...] <b>19</b> of Regulation <b>No 2016/1624</b>, the Executive Director shall ensure coordination of the Agency's activities in the migration management support teams with the Commission and with other relevant Union agencies, in particular, the European [...] <b>Border and Coast Guard Agency</b>.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p><b>1a. [...] The Commission shall, in cooperation with the host Member State and the relevant Union agencies, establish the terms of cooperation at the hotspot area and be responsible for the</b> coordination of the activities <i>of</i> the migration management support teams.</p> |
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| <p>2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams or experts from the asylum intervention pool in accordance with Articles 17 and 18. The operational and technical reinforcement provided by the asylum support teams or experts from the asylum intervention pool in the framework of the migration management support teams may include:</p> | <p>2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams or experts from the asylum intervention pool <i>as part of migration management support teams</i> in accordance with Articles 17, 18, <b>20 and 22, including where the procedure set out in paragraph - 1 of this Article or point (b) of Article 19(3) of the Regulation 2016/1624 applies</b>. The operational and technical reinforcement provided by the asylum support teams or experts from the asylum intervention pool in the framework of the migration management support teams may include:</p> | <p>2. The Executive Director shall, as appropriate, launch the procedure for deployment of asylum support teams [...]. The operational and technical reinforcement provided by the asylum support teams [...] in the framework of the migration management support teams may include:</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>2. The Executive Director shall [...] <b>in the cases referred to in paragraph 1 of this Article</b>, launch the procedure for deployment of asylum support teams as part of migration management support teams, <b>including experts from the asylum reserve pool as appropriate</b>. The operational and technical reinforcement provided by the asylum support teams in the framework of the migration management support teams may include:</p> |
| <p>(a) the screening of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting;</p>  | <p>(a) the screening of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting;</p>  | <p>(a) assistance <b>in screening</b> of third-country nationals, including their identification, registration, and where requested by Member States, their fingerprinting <b>and provision of information of the purpose of those procedures</b>;</p>                                    | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(a) <b>assistance in</b> screening of third-country nationals, including their identification, registration, and where requested by <b>the host</b> Member State, their fingerprinting <b>and provision of information of the purpose of those procedures</b>;</p>  |

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|  |  | <b>(b) [...] the provision of initial information to third-country nationals who wish to make an application for international protection and their referral to the competent national authorities of the Member States</b> | <i>Confirmed by trilogue of 2 May:</i><br><br><b>(aa) [...] the provision of initial information to third-country nationals who wish to make an application for international protection and their referral to the competent national authorities of the Member States;</b> |
| (b) the registration of applications for international protection and, where requested by Member States, the examination of such applications; | (b) the registration of applications for international protection and, where requested by Member States, the examination of such applications; | <i>Point (d)</i>  | <i>Confirmed by trilogue of 2 May:</i><br><br><i>Moved to point (d)below.</i>   |

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| <p>(c) the provision of information on asylum procedures, including relocation and specific assistance to applicants or potential applicants that could be subject to relocation.</p> | <p>(c) the provision of information on asylum procedures, including relocation and specific assistance to applicants or potential applicants that could be subject to relocation, <i>and information on the rights of the applicant, including remedies available to the applicant, on the access to reception and identification and referral procedures for vulnerable persons.</i></p> | <p>(c) the provision of <b>information to applicants for international protection</b> on asylum procedures, including relocation and [...] <b>appropriate</b> assistance to applicants or potential applicants that could be subject to relocation;</p> | <p><u>Outcome of technical discussions:</u></p> <p>(c) the provision of information [...] <b>to applicants for international protection on the procedure for international protection and with regard to reception conditions as appropriate</b>, relocation and [...] <b>appropriate</b> assistance to applicants or potential applicants that could be subject to relocation;</p> |
|   |   | <p>(d) the registration of applications for international protection and, where requested by Member States, the examination of such applications.</p>   | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(d) the registration of applications for international protection and, where requested by <b>the host</b> Member State, the examination of such applications.</p>  |
| <p><i>Article 22</i><br/>Disproportionate pressure on the asylum and reception system</p>   |   | <p><i>Article 22</i><br/>Disproportionate pressure on the asylum and reception systems</p>  |   |

*Amendment 64*

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| <p>1. Where the asylum and reception systems of a Member State are subject to disproportionate pressure that places exceptionally heavy and urgent demands on those systems, the Agency shall, at the request of the Member State concerned or on its own initiative, organise and coordinate a comprehensive set of operational and technical measures as referred to in Article 16 and deploy experts from the asylum intervention pool referred to in Article 18 and experts from its own staff to reinforce the asylum and reception systems within a short period of time.</p> | <p>1. Where the asylum and reception systems of a Member State are subject to disproportionate pressure that places exceptionally heavy and urgent demands on those systems, the Agency shall, at the request of the Member State concerned or on its own initiative, organise and coordinate a comprehensive set of operational and technical measures as referred to in Article 16 and deploy experts from the asylum intervention pool referred to in Article 18 and experts from its own staff, <i>and where necessary, additional technical equipment</i> to reinforce the asylum and reception systems within a short period of time.</p> | <p>1. Where the asylum or reception systems [...] are subject to disproportionate pressure that places exceptionally heavy and urgent demands on those systems [...] <b>and which are rendered ineffective to the extent of having serious consequences for the functioning of the CEAS and</b></p> |  |
|   |   | <p><b>(a) a Member State does not take sufficient action to address that pressure, including by not requesting the Agency for operational and technical assistance or not agreeing to an initiative of the Agency for such assistance; or</b></p>   |  |

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|   |  | <b>(b) a Member State does not comply with the Commission's recommendations referred to in Article 14(4),</b>   |  |
|   |  | <b>the Council, on the basis of a proposal from the Commission, may adopt without delay a decision by means of an implementing act, identifying one or more of the measures set out in Article 16(2) to be taken by the Agency to support the Member State concerned and requiring the Member State to cooperate with the Agency in the implementation of those measures.</b> |  |
| 2. The experts of the asylum intervention pool shall be deployed in accordance with the procedure set out in Article 20 provided however that experts shall be deployed from each Member State within three working days from the date on which the operational plan is agreed upon by the Executive Director and the Member State requesting assistance. The Member States may not invoke the exception provided for in Article 17(6). | 2. The experts of the asylum intervention pool shall be deployed in accordance with the procedure set out in Article 20 provided however that experts shall be [...] <b><i>made available for deployment</i></b> from each Member State within three working days from the date on which the operational plan is agreed upon by the Executive Director and the Member State requesting assistance. The Member States may not invoke the exception provided for in Article 17(6). | <i>Article 19B(4).</i>  |  |

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| <p>3. Where in the event of disproportionate pressure on the asylum or reception systems a Member State does not request the Agency for operational and technical assistance or does not accept an offer by the Agency for such assistance or does not take sufficient action to address that pressure, or where it does not comply with the Commission's recommendations referred to in Article 15(3), thereby rendering the asylum or reception systems ineffective to the extent of jeopardising the functioning of the CEAS, the Commission may adopt a decision by means of an implementing act, identifying one or more of the measures set out in Article 16(3) to be taken by the Agency to support the Member State concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64.</p> | <p>3. Where in the event of disproportionate pressure on the asylum or reception systems a Member State does not request the Agency for operational and technical assistance or does not accept an offer by the Agency for such assistance or does not take sufficient action to address that pressure, or where it does not comply with the Commission's recommendations referred to in Article 15(3), thereby rendering the asylum or reception systems ineffective to the extent of jeopardising the functioning of the CEAS, the Commission may adopt a decision by means of an implementing act, identifying one or more of the measures set out in Article 16(3) to be taken by the Agency to support the Member State concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 64.</p> | <p><i>Para 1.</i></p> |  |
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| <p>4. For the purposes of paragraph 3, the Executive Director shall, within two working days from the date of adoption of the Commission decision, determine the actions needed to be taken for the practical execution of the measures identified in the Commission decision. In parallel, the Executive Director and the Member State concerned shall agree on the operational plan.</p> | <p>4. For the purposes of paragraph 3, the Executive Director shall, within two working days from the date of adoption of the Commission decision, determine the actions needed to be taken for the practical execution of the measures identified in the Commission decision. In parallel, the Executive Director and the Member State concerned shall agree on the operational plan.</p> | <p>2. [...] The Executive Director shall, within [...] <b>three</b> working days from the date of adoption of the [...] <b>Council decision</b>, determine [...] <b>the details of the practical implementation of the Council decision</b>. In parallel, the Executive Director [...] shall draw up the operational plan <b>and submit it to the Member State concerned. The Executive Director and the Member State concerned shall agree on the operational plan within three working days from the date of its submission.</b></p> |  |
| <p>5. The Agency shall, without delay and in any case within three working days from date of establishment of the operational plan, deploy the necessary experts from the asylum intervention pool, as well as experts from its own staff. Where necessary, the deployment of experts from the asylum intervention pool shall be immediately complemented by asylum support teams.</p>     | <p>5. The Agency shall, without delay and in any case within three working days from date of establishment of the operational plan, deploy the necessary experts from the asylum intervention pool, as well as experts from its own staff. Where necessary, the deployment of experts from the asylum intervention pool shall be immediately complemented by asylum support teams.</p>     | <p>3. The Agency shall [...] deploy the necessary experts from the asylum [...] <b>reserve</b> pool, as well as experts from its own staff <b>in accordance with Article 19B(4)</b>. [...] <b>The Agency may deploy additional asylum support teams as necessary.</b></p>  |  |

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| <p>6. The Member State concerned shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan.</p> | <p>6. The Member State concerned shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan.</p> | <p>4. The Member State concerned shall [...] <b>comply with the Council decision. For that purpose, it</b> shall immediately cooperate with the Agency and take the necessary action to facilitate the implementation of that decision and the practical execution of the measures set out in that decision and in the operational plan, <b>without prejudice to its competence for deciding on individual applications.</b></p>   |  |
| <p>7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director.</p>  | <p>7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director.</p>  | <p><i>(partly repeated in Article 19(5):</i><br/> <b>5. For the purposes of this Article,</b> the Member States shall make available the experts from the asylum [...] <b>reserve pool</b> as determined by the Executive Director <b>and may not invoke the situation referred to in Article 19A(3) and Article 19A (6a). The host Member State where experts from the asylum reserve pool are deployed shall not deploy experts forming part of its fixed contribution to that pool.</b></p> |  |

*Amendment 65*

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|  | <p><i>Article 22a<br/>Instructions to asylum support teams<br/>and experts from the asylum<br/>intervention pool</i></p>  |  | <p><i>EP has accepted to delete this<br/>text in return for the inclusion of<br/>Article 19(2)(ee).</i></p> |
|  | <p><i>1. During deployment of asylum<br/>support teams or experts from the<br/>asylum intervention pool, the host<br/>Member State shall issue instructions<br/>to the teams in accordance with the<br/>operational plan.</i></p>   |  |   |
|  | <p><i>2. The Agency, through its<br/>coordinating officer, may<br/>communicate its views to the host<br/>Member State on the instructions<br/>referred to in paragraph 1. In that<br/>case, the host Member State shall take<br/>those views into consideration and<br/>follow them to the extent possible.</i></p> |  |   |
|  | <p><i>3. In cases where the instructions<br/>referred to in paragraph 1 are not in<br/>compliance with the operational plan,<br/>the coordinating officer shall<br/>immediately report to the executive<br/>director, who may, if appropriate, take<br/>action in accordance with Article<br/>20(6).</i></p>        |  |   |

| Article 23<br>Technical equipment   |   | Article 23<br>Technical equipment  |  |
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| <b>Amendment 66</b>   |   |  |  |
| <p>1. Without prejudice to the obligation of Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to Member States to the extent that this may be needed by the asylum support teams or the experts from the asylum intervention pool and insofar as this may complement equipment already made available by the Member States or other Union agencies.</p> | <p>1. Without prejudice to the obligation of Member States to supply the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to Member States, <b>including at the request of the Member State in need</b>, to the extent that this may be needed by the asylum support teams or the experts from the asylum intervention pool and insofar as this may complement equipment already made available by the Member States or other Union agencies.</p> | <p>1. Without prejudice to the obligation of host Member State to provide the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to <b>the host Member State</b> to the extent that this may be needed by the asylum support teams [...] and insofar as this may complement equipment already made available by the host Member State or other Union agencies.</p> | <p>Outcome of TM 27/02/2017 (technical adaptation on reference to teams could be needed) - confirmed by trilogue 8/3/2017</p> <p>1. Without prejudice to the obligation of host Member State to provide the necessary facilities and equipment for the Agency to be able to provide the required operational and technical assistance, the Agency may deploy its own equipment to <b>the host Member State including at its request</b>, to the extent that this may be needed by the asylum support teams [...] and insofar as this may complement equipment already made available by the host Member State or other Union agencies.</p> |

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| <p>2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.</p> | <p>2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.</p> | <p>2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Agency may acquire or lease technical equipment by decision of the Executive Director, in consultation with the Management Board. Any acquisition or leasing of equipment shall be preceded by a thorough needs and cost/benefit analysis. Any such expenditure shall be provided for in the Agency's budget as adopted by the Management Board and in accordance with the financial rules applicable to the Agency.</p> |
|  | <p><i>2a. The Agency shall be responsible for ensuring the security of its own equipment throughout the life cycle of the equipment.</i></p>   |  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>2a. The Agency shall be responsible for ensuring the security of its own equipment throughout the life cycle of the equipment.</i></p>   |
| <p><i>Article 24</i><br/>National contact point</p>  |  | <p><i>Article 24</i><br/>National contact point <b>for operational and technical assistance</b></p>  | <p>See comment in Article 2a</p>  |

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| <p>Each Member State shall appoint a national contact point for communication with the Agency on all matters relating to the operational and technical assistance referred to in Articles 16 and 22.</p>   |  | <p>Each Member State shall appoint a national contact point for communication with the Agency on all matters relating to the operational and technical assistance referred to in Articles 16 and 22.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017 (see also Article 2a)</p> <p>Each Member State shall appoint a national contact point for communication with the Agency on all matters relating to the operational and technical assistance referred to in Articles 16 and 22.</p>  |
| <p><i>Article 25</i><br/>Coordinating officer of the Agency</p>  |  | <p><i>Article 25</i><br/>Coordinating officer of the Agency</p>   | <p><i>Article 25</i><br/>Coordinating officer of the Agency</p>  |
| <p>1. The Agency shall ensure the operational implementation of all the organisational aspects, including the presence of staff members of the Agency, deployment of asylum support teams or experts from the asylum intervention pool throughout the provision of operational and technical assistance referred to in Articles 16 and 22.</p> |  | <p>1. The Agency shall ensure the operational implementation of all the organisational aspects, including the presence of staff members of the Agency, deployment of asylum support teams [...] throughout the provision of operational and technical assistance [...].</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Agency shall ensure the operational implementation of all the organisational aspects, including the presence of staff members of the Agency, deployment of asylum support teams [...] throughout the provision of operational and technical assistance [...].</p> |

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| <p>2. The Executive Director shall appoint one or more experts from the staff of the Agency to act or to be deployed as a coordinating officer for the purposes of paragraph 1. The Executive Director shall notify the host Member State of such designations.</p> |  | <p>2. The Executive Director shall appoint one or more experts from the staff of the Agency to act or to be deployed as a coordinating officer for the purposes of paragraph 1. The Executive Director shall notify the host Member State of such designations.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Executive Director shall appoint one or more experts from the staff of the Agency to act or to be deployed as a coordinating officer for the purposes of paragraph 1. The Executive Director shall notify the host Member State of such designations.</p> |
| <p>3. The coordinating officer shall foster cooperation and coordination between the host Member State and the participating Member States. In particular, the coordinating officer shall:</p>  |  | <p>3. The coordinating officer shall foster cooperation and coordination between the host Member State and the participating Member States. In particular, the coordinating officer shall:</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The coordinating officer shall foster cooperation and coordination between the host Member State and the participating Member States. In particular, the coordinating officer shall:</p>  |

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| <p>(a) act as an interface between the Agency, the host Member State and experts of the asylum support teams or experts from the asylum intervention pool, providing assistance, on behalf of the Agency, on all issues relating to their conditions of deployment;</p> |  | <p>(b) act as an interface between the Agency, the host Member State and experts of the asylum support teams [...], providing assistance, on behalf of the Agency, on all issues relating to their conditions of deployment;</p> | <p>(b) act as an interface between the Agency, the host Member State and experts of the asylum support teams [...], providing assistance, on behalf of the Agency, on all issues relating to their conditions of deployment;</p> |
| <p>(b) monitor the correct implementation of the operational plan;</p>  |  | <p>(c) monitor the correct implementation of the operational plan;</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>(c) monitor the correct implementation of the operational plan;</p>  |
| <p>(c) act on behalf of the Agency on all aspects of the deployment of the asylum support teams or the experts from the asylum intervention pool and report to the Agency on all those aspects;</p>   |  | <p>(a) act on behalf of the Agency on all aspects of the deployment of the asylum support teams [...] and report to the Agency on all those aspects;</p>   | <p>(a) act on behalf of the Agency on all aspects of the deployment of the asylum support teams [...] and report to the Agency on all those aspects;</p>   |
| <p>(d) report to the Executive Director where the operational plan is not adequately implemented.</p>   |  | <p>(d) report to the Executive Director where the operational plan is not adequately implemented.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>(d) report to the Executive Director where the operational plan is not adequately implemented.</p>   |

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| <p>4. The Executive Director may authorise the coordinating officer to assist in resolving any disputes concerning the implementation of the operational plan and the deployment of asylum support teams or experts from the asylum intervention pool.</p> |  | <p>4. The Executive Director may authorise the coordinating officer to assist in resolving any disputes concerning the implementation of the operational plan and the deployment of asylum support teams [...].</p> | <p>4. The Executive Director may authorise the coordinating officer to assist in resolving any disputes concerning the implementation of the operational plan and the deployment of asylum support teams [...].</p>  |
| <p>5. In discharging his or her duties, the coordinating officer shall take instructions only from the Executive Director.</p>   |  | <p>5. In discharging his or her duties, the coordinating officer shall <b>work in close cooperation with the competent national authorities and</b> shall take instructions only from the Executive Director.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. In discharging his or her duties, the coordinating officer shall <b>work in close cooperation with the competent national authorities and</b> shall take instructions only from the Executive Director.</p> |
| <p><i>Article 26</i><br/>Civil liability</p>   |  | <p><i>Article 26</i><br/>Civil liability</p>  | <p><i>To be discussed further.</i></p>   |

*Amendment 67*

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| <p>1. Where experts of an asylum support team or from the asylum intervention pool are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.</p>                         | <p>1. Where experts of an asylum support team or from the asylum intervention pool are operating in a host Member State, that Member State <i>and the Agency</i> shall be <i>jointly and severally</i> liable in accordance with <i>national and Union</i> law for any damage caused by them during their operations. <i>Where experts of an asylum support team or from the asylum intervention pool are operating in a third country, the Agency shall be liable for any damage caused by them during their activities.</i></p> | <p>1. Where experts of an asylum support team [...] are operating in a host Member State, that Member State shall be liable in accordance with its national law for any damage caused by them during their operations.</p>  |  |
| <p>2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may address the home Member State or the Agency to obtain any sums it has paid to the victims or persons entitled on their behalf from the home Member State or the Agency.</p> | <p>2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State <i>or the Agency</i> may address the home Member State to obtain any sums it has paid to the victims or persons entitled on their behalf from the home Member State or the Agency.</p>  | <p>2. Where such damage is caused by gross negligence or wilful misconduct, the host Member State may address the home Member State or the Agency to obtain <b>reimbursement of</b> any sums it has paid to the victims or persons entitled on their behalf from the home Member State or the Agency.</p> |  |

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| 3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.                            | 3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.   | 3. Without prejudice to the exercise of its rights vis-à-vis third parties, each Member State shall waive all its claims against the host Member State or any other Member State for any damage it has sustained, except in cases of gross negligence or wilful misconduct.                            |   |
| 4. Any dispute between Member States or with the Agency relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with Article 273 of the Treaty. | 4. Any dispute between Member States or <i>between a Member State and</i> the Agency relating to the application of paragraphs <i>I</i> , 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with [...] <i>the Treaties</i> . | 4. Any dispute between Member States or with the Agency relating to the application of paragraphs 2 and 3 of this Article which cannot be resolved by negotiations between them shall be submitted by them to the Court of Justice of the European Union in accordance with Article 273 of the Treaty. |   |
| 5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs relating to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.   | 5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs relating to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.  | 5. Without prejudice to the exercise of its rights vis-à-vis third parties, the Agency shall meet costs relating to damage caused to the Agency's equipment during deployment, except in cases of gross negligence or wilful misconduct.   |   |
| <i>Article 27</i><br>Criminal liability  |   | <i>Article 27</i><br>Criminal liability  | <i>Article 27</i><br>Criminal liability |

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| <p>During the deployment of an asylum support team or experts from the asylum intervention pool, those experts shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.</p> |  | <p>During the deployment of an asylum support team [...], those experts shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.</p> | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>During the deployment of an asylum support team [...], <b>the deployed</b> experts shall be treated in the same way as officials of the host Member State with regard to any criminal offences that might be committed against them or by them.</p> |
| <p><i>Article 28</i><br/>Costs</p>  |  | <p><i>Article 28</i><br/>Costs</p>   | <p><i>Article 28</i><br/>Costs</p>   |
| <p>1. The Agency shall meet the costs incurred by Member States when they make their experts available for deployment to asylum support teams or as part of the asylum intervention pool, in particular:</p>  |  | <p>1. The Agency shall meet the costs incurred by [...] experts [...] <b>deployed</b> to asylum support teams [...], in particular:</p>  | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>1. The Agency shall meet the costs incurred by [...] experts [...] <b>deployed</b> to asylum support teams [...], in particular:</p>  |
| <p>(a) travel from the home Member State to the host Member State and from the host Member State to the home Member State;</p>  |  | <p>(a) travel from the home Member State to the host Member State, from the host Member State to the home Member State <b>and within the host Member State for the purposes of deployment;</b></p>                                       | <p><i>Confirmed by trilogue of 2 May:</i></p> <p>(a) travel from the home Member State to the host Member State, from the host Member State to the home Member State <b>and within the host Member State for the purposes of deployment;</b></p>   |

*Amendment 68*

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|  | <i>(a a) internal transport between different regions of the host Member State;</i> |  | <i>(covered by point a)</i>   |
| (a) vaccinations;  |   | (b) <b>costs related to</b> vaccinations;  | <i>Confirmed by trilogue of 2 May:</i><br><b>(b) costs related to</b> vaccinations;                         |
| (b) special insurance cover required;                      |   | (c) <b>costs related to</b> special insurance needs;                                       | <i>Confirmed by trilogue of 2 May:</i><br><b>(c) costs related to</b> special insurance needs;              |
| (c) health care;   |   | (d) <b>costs related to</b> health care;   | <i>Confirmed by trilogue of 2 May:</i><br><b>(d) costs related to</b> health care;                          |
| (d) daily subsistence allowances, including accommodation; |   | (e) daily subsistence allowances, including accommodation <b>and transportation costs;</b> | <i>Confirmed by trilogue of 2 May:</i><br><b>(e) daily subsistence allowances, including accommodation;</b> |
| (e) the Agency's technical equipment;                      |   | (f) <b>costs related to</b> the Agency's technical equipment;                              | <i>Confirmed by trilogue of 2 May:</i><br><b>(f) costs related to</b> the Agency's technical equipment;     |
| (f) experts' fees.   |   | (g) experts' fees.   | <i>Confirmed by trilogue of 2 May:</i><br><b>(g) experts' fees.</b>   |

| <i>Amendment 69</i>   |   |   |   |
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|   | <i>(f a) car rental and all related costs, such as insurance, fuel and tolls;</i> |   | <i>Confirmed by trilogue of 2 May:</i><br><br><i>(f a) transportation costs including car rental and all related costs such as insurance, fuel and tolls;</i>   |
| <i>Amendment 70</i>   |   |   |   |
|   | <i>(f b) communication costs;</i>   |   | <i>Confirmed by trilogue of 2 May:</i><br><br><i>(f b) telecommunication costs;</i>   |
| <i>Amendment 71</i>   |   |   |   |
|   | <i>(f c) interpretation costs.</i>  |   | <i>Confirmed by trilogue of 2 May:</i><br><br><i>EP agrees to delete.</i>   |
| 2. The Management Board shall establish detailed rules and update them as necessary as regards the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams. |   | 2. The Management Board shall establish detailed rules and update them as necessary as regards the payment of the daily subsistence allowance of experts deployed by Member States to the asylum support teams. | <i>Confirmed by trilogue of 2 May:</i><br><br>2. The Management Board shall establish detailed rules and update them as necessary as regards the payment of [...] <b>the costs incurred by experts in accordance with this Article.</b> |

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| <p style="text-align: center;"><b>CHAPTER 7<br/>INFORMATION EXCHANGE<br/>AND DATA PROTECTION</b></p>  |  | <p style="text-align: center;"><b>CHAPTER 7<br/>INFORMATION EXCHANGE<br/>AND DATA PROTECTION</b></p>  | <p><i>Counsellors are kindly informed that these compromises have been reviewed by the Council Legal Service for legal accuracy.</i></p>  |
| <p style="text-align: center;"><i>Article 29</i><br/>Information exchange systems</p>   |  | <p style="text-align: center;"><i>Article 29</i><br/>Information exchange systems</p>   | <p style="text-align: center;"><i>Article 29</i><br/>Information exchange systems</p>   |
| <p>1. The Agency may take all necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union agencies.</p> |  | <p>1. The Agency shall [...] facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union <b>bodies, offices and</b> agencies.</p> | <p>1. The Agency shall [...] facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union <b>bodies, offices and</b> agencies.</p> |

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| <p>2. The Agency shall, in cooperation with the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011, develop and operate an information system capable of exchanging classified information with those actors, as well as personal data referred to in Articles 31 and 32 in accordance with Council Decision 2013/488 and Commission Decision (EU, Euratom) 2015/444.</p> |  | <p>2. The Agency shall, in cooperation with the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011,<sup>19</sup> develop and operate an information system capable of exchanging classified information with [...] <b>the actors referred to in paragraph 1</b>, as well as personal data referred to in Articles 31 and 32 in accordance with Council Decision 2013/488<sup>20</sup> and Commission Decision (EU, Euratom) 2015/444.<sup>21</sup></p> | <p>2. The Agency shall, in cooperation with the European agency for the operational management of large-scale IT systems in the area of freedom, security and justice established by Regulation (EU) No 1077/2011,<sup>19</sup> develop and operate an information system capable of exchanging classified information with [...] <b>the actors referred to in paragraph 1</b>, as well as personal data referred to in Articles 31 and 32 in accordance with Council Decision 2013/488<sup>20</sup> and Commission Decision (EU, Euratom) 2015/444.<sup>21</sup></p> |
| <p><i>Article 30</i><br/>Data Protection</p>   |  | <p><i>Article 30</i><br/>Data Protection</p>  | <p><i>Article 30</i><br/>Data Protection</p>  |
| <p><b>Amendment 72</b></p>   |  |   |   |
| <p>1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.</p>   | <p>1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.</p> | <p>1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.</p>  | <p>1. The Agency shall apply Regulation (EC) No 45/2001 when processing personal data.</p>  |

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| <p>2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.</p> | <p>2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.</p> | <p>2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.</p>                 | <p>2. The Management Board shall establish measures for the application of Regulation (EC) No 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency. Those measures shall be established after consultation of the European Data Protection Supervisor.</p>   |
| <p>3. Without prejudice to Articles 31 and 32, the Agency may process personal data for administrative purposes.</p>   | <p>3. Without prejudice to Articles 31 and 32, the Agency may process personal data for administrative purposes.</p>   | <p>3. Without prejudice to Articles 31 and 32, the Agency may process personal data for <b>the necessary</b> administrative purposes <b>related to personnel</b>.</p>  | <p><i>Outcome of TM:</i></p> <p>3. Without prejudice to Articles 31 and 32, the Agency may process personal data for <b>the necessary</b> administrative purposes <b>related to personnel</b>.</p>   |
| <p>4. The transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.</p>                            | <p>4. The transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.</p>                            | <p>4. <b>Without prejudice to Article 35(4)</b>, the transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.</p> | <p><i>Outcome of TM:</i></p> <p>4. The transfer of personal data processed by the Agency and the onward transfer by Member States to authorities of third countries or third parties, including international organisations, of personal data processed in the framework of this Regulation shall be prohibited.</p> |

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|  |  |  | <p><i>Outcome of TM:</i></p> <p><b>4a. By way of exception to paragraph 4, the Agency may transfer only the full name of the third-country national identified for the sole purpose of conducting a resettlement procedure, information on the course of the resettlement procedure and information on the outcome of the resettlement procedure to relevant international organisations subject to the consent of the third-country national and to the extent necessary to meet that purpose. Such personal data shall not be further processed for any other purpose.</b></p> |
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|   | <i>4a. With regard to the processing of personal data by the Agency or its staff when providing operational and technical assistance and under the instructions of the host Member State, the host Member State shall be considered a "controller" within the meaning of Articles 4(1) and 4(7) of Regulation EU 2016/679 and Article 2(d) of Regulation (EC) No 45/2001. This processing shall be subject to Regulation (EU) 2016/679.</i> |   | <i>Outcome of TM:</i><br><br><b>4b. When the processing of personal data is carried out by experts of the asylum support teams under the instructions of the host Member State and when providing operational and technical assistance to that Member State, Regulation (EU) 2016/679 shall apply.</b> |
| <i>Article 31</i><br>Purposes of processing personal data   |   | <i>Article 31</i><br>Purposes of processing personal data   | <i>Article 31</i><br>Purposes of processing personal data  |
| <b>Amendment 73</b>   |   |   |  |
| 1. The Agency may process personal data only for the following purposes:  | 1. The Agency may process personal data only for the following purposes:  | 1. The Agency may process personal data only for the following purposes:  | <i>Outcome of TM:</i><br>1. The Agency may process personal data only <b>to the extent necessary and</b> for the following purposes:   |
| (a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(3) and 21(2); | (a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(3) and 21(2);   | (a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(2) and 21(2); | <i>Outcome of TM:</i><br>(a) performing its tasks of providing operational and technical assistance in accordance with Articles 16(2) and 21(2);   |

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| <p>(b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13;</p>   | <p>(b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13, <i>in which case, only personal data relating to nationality, age and gender shall be processed;</i></p>  | <p>(b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13;</p>  | <p><i>Outcome of TM:</i></p> <p>(b) when carrying out case sampling for the purposes of the monitoring exercise referred to in Article 13;</p>  |
| <p>(c) when handling applications for international protection from children or vulnerable persons, upon request of Member States, as referred to in Article 13(2) and Article 16(3)(b) and (c);</p>  | <p>(c) when handling applications for international protection [...] upon request of Member States, as referred to in Article [...] 16(3)(b), (c) <i>and (ja)</i>;</p>  | <p>(c) <i>deleted</i></p>  | <p><i>Outcome of technical discussions:</i></p> <p><i>deleted</i></p>   |
| <p>(d) facilitating the exchange of information with Member States, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2);</p> | <p>(d) facilitating the exchange of information with Member States, the European <b>Border and Coast Guard</b>, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2);</p> | <p>(d) facilitating the exchange of information with Member States, the European [...] <b>Border and Coast Guard Agency</b>, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2);</p> | <p><i>Outcome of TM:</i></p> <p>(d) facilitating the exchange of information <b>with the competent authorities of the Member States, the European [...] Border and Coast Guard Agency</b>, Europol or Eurojust in accordance with Article 36 and in the framework of information obtained when performing the tasks listed in Article 21(2) <b>where it is necessary for the performance of their tasks in accordance with their respective mandates;</b></p> |

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| (e) analysing information on the situation of asylum in accordance with Article 4;   | <i>deleted</i>   | (e) analysing information on the situation of asylum in accordance with Article 4.   | (e) analysing information on the situation of asylum in accordance with Article 4.   |
|  |  |  | <p><i>Outcome of TM:</i></p> <p><b>(f) when performing its tasks under Regulation XXX/XXX [Union Resettlement Framework] or to assist Member States in their actions on resettlement as referred in Article 35(4).</b></p> |
| 2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1. | 2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1. | 2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1. | 2. Any such processing of personal data shall respect the principle of proportionality and be strictly limited to personal data necessary for the purposes referred to in paragraph 1.                                     |

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| <p>3. Member States or other Union agencies providing personal data to the Agency may only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.</p>  | <p>3. Member States or other Union agencies providing personal data to the Agency may only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.</p>  | <p>3. Member States or other Union <b>bodies, offices and</b> agencies providing personal data to the Agency shall only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.</p>  | <p><i>Outcome of technical discussions:</i></p> <p>3. Member States or other Union <b>bodies, offices and</b> agencies providing personal data to the Agency shall only transfer data to the Agency for the purposes referred to in paragraph 1. Any further processing of retained personal data for purposes other than those referred to in paragraph 1 shall be prohibited.</p>   |
| <p>4. Member States or other Union agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.</p> | <p>4. Member States or other Union agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.</p> | <p>4. Member States or other Union <b>bodies, offices and</b> agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.</p> | <p><i>Outcome of TM:</i></p> <p>4. Member States or other Union <b>bodies, offices and</b> agencies may indicate, at the moment of transferring personal data, any restriction on access or use, in general or specific terms, including as regards transfer, erasure or destruction. Where the need for such restriction becomes apparent after the transfer provision of information, they shall inform the Agency accordingly. The Agency shall comply with such restrictions.</p> |

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| <p><i>Article 32</i><br/>Processing of personal data collected when providing operational and technical assistance</p>  |   | <p><i>Article 32</i><br/>Processing of personal data collected when providing operational and technical assistance</p>   | <p><i>Outcome of TM:</i><br/><br/><i>Article 32</i><br/>Processing of personal data [...] <b>for</b> providing operational and technical assistance <b>and for resettlement</b></p>  |
| <b><i>Amendment 74</i></b>  |   |  |  |
| <p>1. The use by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States shall be limited to the name, date of birth, gender, nationality, profession or education, fingerprints and digitised photograph of third-country nationals.</p> | <p>1. The use by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States shall be limited to the name, date of birth, gender, nationality, profession or education, fingerprints and digitised photograph of third-country nationals.</p> | <p>1. The processing by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States shall be limited to the full name, date <b>and place</b> of birth, <b>places of former residence</b>, gender, nationality, profession [...], education, <b>family links</b>, fingerprints and digitised photograph of third-country nationals.</p> | <p><i>Outcome of technical discussions:</i><br/><br/>1. The [...] <b>processing</b> by the Agency of personal data collected by or transmitted to it by the Member States or by its own staff when providing operational and technical assistance to Member States <b>and in case of resettlement</b> shall be limited to the <b>full</b> name, date <b>and place</b> of birth, <b>places of residence or stay</b>, gender, <b>age</b>, nationality, profession [...], education, <b>specific skills, family, date and place of arrival</b>, fingerprints, <b>facial image data of a</b> third-country national <b>and the status of a third-country national in relation to international protection.</b></p> |

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| 2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:  | 2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:  | 2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:  | 2. Personal data referred to in paragraph 1 may be processed by the Agency in the following cases:   |
| (a) where necessary for the identification and registration referred to in Article 16(3)(a);  | (a) where necessary for the identification and registration referred to in Article 16(3)(a);  | (a) where necessary for the identification <b>of third-country nationals</b> and registration of <b>applicants for international protection</b> referred to in Article 16(2)(a);  | <i>Outcome of TM:</i><br><br>(a) where necessary, <b>to assist Member States with the identification and registration of third country nationals, as appropriate</b> , referred to in Article 16(2)(a) <b>and receiving and registering applicants for international protection referred to in Article 16(2)(aa)</b> ;             |
| (b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities as referred to in Article 16(3)(b); | (b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities as referred to in Article 16(3)(b); | (b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities <b>or to provide them with necessary assistance in the procedure for international protection</b> as referred to in Article 16(2)(b); | <i>Outcome of TM:</i><br><br>(b) where necessary to facilitate the examination of applications for international protection that are under examination by the competent national authorities <b>or to provide them with necessary assistance in the procedure for international protection</b> as referred to in Article 16(2)(b); |

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| (c) where necessary to provide assistance to competent national authorities responsible for the examination of applications for international protection as referred to in Article 16(3)(c));   | (c) where necessary to provide assistance to competent national authorities responsible for the examination of applications for international protection as referred to in Article 16(3)(c));                              | (c) <i>deleted</i>   | c) <i>deleted</i>  |
| (d) where necessary to assist with the relocation or transfer of beneficiaries of international protection within the Union as referred to in Article 16(3)(g);   | (d) where necessary to assist with the relocation or transfer of beneficiaries of international protection within the Union as referred to in Article 16(3)(g);  | [(d) where necessary to assist with the <b>tasks and obligations set out in Regulation (EU) No XXX/XXX [the Dublin Regulation]</b> relocation or transfer of applicants or beneficiaries of international protection within the Union as referred to in Article 16(2)(g);] | <i>The text is in square brackets in the Council's mandate.</i>  |
| (e) where transmission to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30; | (e) where transmission to the European <b>Border and Coast Guard</b> , Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30; | (e) where transmission to the European [...] <b>Border and Coast Guard Agency</b> , Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30;                                    | <i>Outcome of TM:</i><br><br>(e) where transmission to the European [...] <b>Border and Coast Guard Agency</b> , Europol or Eurojust is necessary for the performance of their tasks in accordance with their respective mandates and in accordance with Article 30; |

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| (f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules; | (f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules; | (f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules; | (f) where transmission to the Member States' authorities or immigration and asylum services is necessary for use in accordance with national legislation and national and Union data protection rules;                     |
| (g) where necessary for analysis of information on the situation of asylum.  |  | (g) where necessary for analysis of information on the situation of asylum as referred to in Article 4.  | (g) where necessary for analysis of information on the situation of asylum as referred to in Article 4.  |
|  |  | <b>(h) where necessary to coordinate actions on resettlement taken by the Union or to assist Member States in their actions on resettlement as referred in Article 35(4).</b>                          | <i>Outcome of TM:</i><br><b>(h) where necessary to perform its tasks under Regulation XXX/XXX [Union Resettlement Framework] or to assist Member States in their actions on resettlement as referred in Article 35(4).</b> |

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|  |  | <p><b>2a. In addition to the data listed in paragraph 1, the Agency may process personal data on sexual orientation, gender identity and religion of the applicant provided that the personal data is only processed for the purposes of paragraph 2(b).</b></p> | <p><i>Outcome of technical discussions:</i></p> <p><b>2a. When it is strictly necessary for the purposes referred to in points (b) and (h) of paragraph 2 the Agency may, in relation to a specific case, process personal data necessary for assessing whether a third-country national qualifies for international protection, data concerning health or specific vulnerabilities of a third-country national. Those data shall be made accessible only to staff who, in the specific case, needs knowledge of those data [and who must be subject to an obligation of professional secrecy.] Such personal data shall not be further processed or transferred onwards.</b></p> <p><i>EP to confirm whether the reference to professional secrecy is necessary.</i></p> |
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| <p>3. The personal data shall be deleted as soon as they have been transmitted to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust or to the competent authorities of Member States or used for information analysis on the situation of asylum. The storage period shall in any case not exceed 30 days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall not allow for the identification of a natural person at any time.</p> | <p>3. The personal data shall be deleted as soon as they have been transmitted to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, Europol or Eurojust or to the competent authorities of Member States. The storage period shall in any case not exceed <b>45</b> days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall not allow for the identification of a natural person at any time.</p> | <p>3. The personal data shall be deleted as soon as they have been transmitted to the European [...] <b>Border and Coast Guard Agency</b>, Europol or Eurojust or to the competent authorities of Member States or used for information analysis on the situation of asylum. The storage period shall in any case not exceed 30 days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall [...] <b>be anonymised.</b></p> | <p><i>Outcome of TM:</i></p> <p>3. The personal data shall be deleted as soon as they have been transmitted to the European [...] <b>Border and Coast Guard Agency</b>, Europol or Eurojust or to the competent authorities of Member States or used for information analysis on the situation of asylum. The storage period shall in any case not exceed 30 days after the date on which the Agency collects or receives those data. In the result of the information analysis on the situation of asylum, data shall [...] <b>be anonymised.</b></p> |
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|  |  |  | <p><i>Outcome of technical discussions:</i></p> <p><b>3-a. Personal data obtained for the purpose referred to in Article 31(1)(f) shall be deleted as soon as they are no longer necessary for the purpose for which they have been obtained and in any event no later than 30 days from when the third-country national has been resettled.</b></p> |
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|  | <p><i>3a. A Member State or the Agency staff transmitting personal data pursuant to paragraph 1 shall inform the third-country national, at the time of the collection of his or her personal data, of the existence of and the procedures for the exercise of the rights provided for in Articles 15, 16, 17 and 18 of Regulation (EU) 2016/679, of the contact details of the national supervisory authority of the host Member State and of the right to lodge a complaint with the national supervisory authorities and national courts.</i></p> |  | <p><i>Updated compromise suggestion from EP:</i></p> <p><b>3a. Experts from the asylum support teams transmitting personal data pursuant to paragraph 1 shall provide the third-country national, at the time of the collection of his or her personal data, with the information referred to in Article 13 of Regulation (EU) 2016/679 and of the contact details of the relevant national supervisory authority responsible for monitoring and enforcing compliance with Regulation (EU) 2016/679.</b></p> |
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| <p align="center"><b>CHAPTER 8<br/>COOPERATION BY THE<br/>AGENCY</b></p>  |  | <p align="center"><b>CHAPTER 8<br/>COOPERATION BY THE<br/>AGENCY</b></p>  |  |
| <p align="center"><i>Article 33</i><br/>Cooperation with Denmark</p>  |  | <p align="center"><i>Article 33</i><br/>Cooperation with Denmark</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 33</i><br/>Cooperation with Denmark</p>   |
| <p>The Agency shall facilitate operational cooperation with Denmark, including the exchange of information and best practices in matters covered by its activities.</p> |  | <p>The Agency shall facilitate operational cooperation with Denmark, including the exchange of information and best practices in matters covered by its activities.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>The Agency shall facilitate operational cooperation with Denmark, including the exchange of information and best practices in matters covered by its activities.</p> |
| <p align="center"><i>Article 34</i><br/>Cooperation with associate countries</p>  |  | <p align="center"><i>Article 34</i><br/>Cooperation with associate countries</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 34</i><br/>Cooperation with associate countries</p>   |

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| <p>1. The Agency shall be open to the participation of Iceland, Liechtenstein, Norway and Switzerland.</p>   |  | <p>1. The Agency shall be open to the participation of Iceland, Liechtenstein, Norway and Switzerland.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Agency shall be open to the participation of Iceland, Liechtenstein, Norway and Switzerland.</p>  |
| <p>2. The nature, extent and manner in which those countries are to participate in the Agency's work shall continue to be defined by relevant working arrangements. Such arrangements shall include provisions relating to participation in initiatives undertaken by the Agency, financial contributions, participation in the meetings of the Management Board and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p> |  | <p>2. The nature, extent and manner in which those countries are to participate in the Agency's work shall [...] be defined by relevant working arrangements. Such arrangements shall include provisions relating to participation in initiatives undertaken by the Agency, financial contributions, participation in the meetings of the Management Board and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p> | <p>Outcome of TM 27/02/2017 (to be seen also in relation to recital 6) - confirmed by trilogue 8/3/2017</p> <p>2. The nature, extent and manner in which those countries are to participate in the Agency's work shall [...] be defined by relevant working arrangements. Such arrangements shall include provisions relating to participation in initiatives undertaken by the Agency, financial contributions, participation in the meetings of the Management Board and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p> |

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| <p style="text-align: center;"><i>Article 35</i><br/>Cooperation with third countries</p>   |   | <p style="text-align: center;"><i>Article 35</i><br/>Cooperation with third countries</p>  |  |
| <b><i>Amendment 75</i></b>  |   |  |  |
| <p>1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards equivalent to those set by Union legislation, including when carrying out activities on the territory of those third countries.</p> | <p>1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards equivalent to those set by Union legislation, including <b><i>the Charter, and the 1951 Convention and the 1967 Protocol, including</i></b> when carrying out activities on the territory of those third countries.</p> | <p>1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards [...] <b>which form part of</b> Union legislation, including when carrying out activities on the territory of those third countries.</p> | <p><i>Outcome of technical discussions;</i></p> <p>1. In matters related to its activities and, to the extent required for the fulfilment of its tasks, the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the Union's external relations policy, including with regard to the protection of fundamental rights, and in cooperation with the European External Action Service. The Agency and the Member States shall promote and comply with norms and standards [...] <b>which form part of</b> Union legislation, including when carrying out activities on the territory of those third countries.</p> <p><i>After recital 1 the following recital will be inserted which is</i></p> |

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|  |  |  | <p><i>identical to Recital 2 in the APR proposal:</i></p> <p><b>"A common policy on asylum, including a Common European Asylum System which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States."</b></p> |
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| <p>2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. The Agency shall seek the prior approval of the Commission for such working arrangements and it shall inform the European Parliament.</p> | <p>2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. The Agency shall seek the prior approval of the Commission for such working arrangements and it shall inform the European Parliament. <b><i>The Agency shall inform the European Parliament before a working arrangement is concluded.</i></b></p> | <p>2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. [...] <b>The Management Board shall decide on</b> the working arrangements [...] <b>which shall be subject to</b> prior approval of the Commission [...]. <b>The Agency shall</b> inform the European Parliament <b>and the Council of any such arrangements.</b></p> | <p><i>Outcome of technical discussions:</i></p> <p>2. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation with the support of and in coordination with Union delegations, in particular with a view to promoting Union standards on asylum and assisting third countries as regards expertise and capacity building for their own asylum and reception systems as well as implementing regional development and protection programmes and other actions. The Agency may carry out such cooperation within the framework of working arrangements concluded with those authorities in accordance with Union law and policy. [...] <b>The Management Board shall decide on</b> the working arrangements [...] <b>which shall be subject to</b> prior approval of the Commission [...]. <b>The Agency shall keep the European Parliament and the Council informed of any such</b></p> |
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|  |                       |   | <p><b>arrangements.</b></p> <p><i>Article 54(2) of EBCG states that "the Agency shall inform the European Parliament before a working arrangement is concluded".</i></p>  |
| <p>3. The Agency may, with the agreement of the host Member State, invite officials from third countries to observe the operational and technical measures outlined in Article 16(3), where their presence does not jeopardise the achievement of objectives of those measures, and where it may contribute to improving cooperation and the exchange of best practices.</p> | <p><i>deleted</i></p> | <p>3. The [...] <b>Executive Director</b> may, with the agreement of the host Member State, invite officials from third countries to observe the operational and technical measures outlined in Article 16(2), where their presence does not jeopardise the achievement of objectives of those measures, and where it may contribute to improving cooperation and the exchange of best practices.</p> | <p><i>EP compromise suggestion:</i></p> <p><i>First option – delete the paragraph.</i></p> <p><i>Second option:</i></p> <p>3. The [...] <b>Executive Director</b> may, with the agreement of the host Member State, invite officials from third countries to observe the operational and technical measures outlined in Article 16(2)(f) and (i) where their presence does not jeopardise the achievement of objectives of those measures <b>and only outside hotspot areas</b>, and where it may contribute to improving cooperation and the exchange of best practices.</p> |

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| <p>4. The Agency shall coordinate actions on resettlement taken by Member States or by the Union, including the exchange of information, so as to meet the international protection needs of refugees in third countries and show solidarity with their host countries. The Agency shall gather information, monitor resettlement to Member States and support Member States with capacity building on resettlement. The Agency may also, subject to the agreement of the third country and in agreement with the Commission, coordinate any such exchange of information or other action between Member States and a third country, in the territory of that third country.</p> | <p>4. The Agency shall [...] <b>support</b> actions on resettlement taken by Member States or by the Union, including the exchange of information, [...] <b>in close cooperation with the UNHCR and relevant non-governmental organisations and in full compliance with the standards and policy guidance set by UNHCR.</b> The Agency shall gather information, monitor resettlement to Member States, support Member States with capacity building on resettlement [...], <b>and provide any additional resettlement support in line with the responsibilities conferred on it by Regulation (EU) 2017/xxx [Union Resettlement Framework].</b></p> | <p>4. [...] [<b>In the framework of cooperation with third countries, the Agency may support Member States in the implementation of:</b></p>                                 | <p><i>The provisions concerning resettlement could be moved to a separate Article 35a New following this Article. The text is in square brackets in the Council's mandate.</i></p> |
|  |  | <p><b>(a) the Union Resettlement Framework established by Regulation (EU) No XXX/XXX [Union Resettlement Framework Regulation] [in accordance with that Regulation];</b></p> |  |

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|  |  | <b>(b) national resettlement schemes, upon the request of the Member State concerned, provided that such support does not jeopardise the attainment of the Union's objectives under Regulation (EU) No XXX/XXX [Union Resettlement Framework Regulation].]</b>                             |   |
| 5. The Agency shall participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation.                                       | 5. The Agency shall participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation.                                       | 5. The Agency shall, <b>where appropriate</b> , participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation.           | <i>Outcome of TM:</i><br><br>5. The Agency shall, <b>where appropriate</b> , participate in the implementation of international agreements concluded by the Union with third countries, within the framework of the external relations policy of the Union, and regarding matters covered by this Regulation. |
| 6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. | 6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. | 6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation. | 6. The Agency may benefit from Union funding in accordance with the provisions of the relevant instruments supporting the external relations policy of the Union. It may launch and finance technical assistance projects in third countries regarding matters covered by this Regulation.                    |

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|  | <i>6a. The Agency shall inform the European Parliament of activities conducted pursuant to this Article. It shall include an assessment of the cooperation with third countries in its annual reports.</i>  |  | <i>Outcome of TM:<br/><br/>6a. The Agency shall inform the European Parliament of activities conducted pursuant to this Article. It shall include an assessment of the cooperation with third countries in its annual reports as appropriate.</i> |
|  |   | <i>New Article 35-a</i>  | <i>The possible new Article mentioned in Article 35(4) would go here.</i>   |
| 4. The Agency shall coordinate actions on resettlement taken by Member States or by the Union, including the exchange of information, so as to meet the international protection needs of refugees in third countries and show solidarity with their host countries. The Agency shall gather information, monitor resettlement to Member States and support Member States with capacity building on resettlement. The Agency may also, subject to the agreement of the third | 4. The Agency shall [...] <i>support</i> actions on resettlement taken by Member States or by the Union, including the exchange of information, [...] <i>in close cooperation with the UNHCR and relevant non-governmental organisations and in full compliance with the standards and policy guidance set by UNHCR.</i> The Agency shall gather information, monitor resettlement to Member States, support Member States with capacity building on resettlement [...], <i>and provide any additional resettlement</i> | 1. [...] [ <b>In the framework of cooperation with third countries, the Agency may support Member States in the implementation of:</b> | <i>Moved from para 4 of Article 35. The text is in square brackets in the Council's mandate.</i>  |

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| country and in agreement with the Commission, coordinate any such exchange of information or other action between Member States and a third country, in the territory of that third country. | <i>support in line with the responsibilities conferred on it by Regulation (EU) 2017/xxx [Union Resettlement Framework].</i> |  |  |
|  |  | <b>(a) the Union Resettlement Framework established by Regulation (EU) No XXX/XXX [Union Resettlement Framework Regulation] [in accordance with that Regulation];</b>  |  |
|  |  | <b>(b) national resettlement schemes, upon the request of the Member State concerned, provided that such support does not jeopardise the attainment of the Union's objectives under Regulation (EU) No XXX/XXX [Union Resettlement Framework Regulation].]</b> |  |
| <i>Amendment 76</i>  |  |  |  |
|  | <i>Article 35a<br/>Liaison officers in third countries</i>   |  |  |

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|  | <p><i>1. The Agency may deploy experts from its own staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. Liaison officers shall only be deployed to third countries in which migration and asylum management practices comply with human rights standards.</i></p>  |  | <p><i>Outcome of technical discussions:</i></p> <p><b>1. The Agency may deploy experts from its own staff as liaison officers, who should enjoy the highest possible protection when carrying out their duties in third countries. Liaison officers shall only be deployed to third countries in which migration and asylum management practices comply with <u>minimum</u> human rights standards.</b></p>                               |
|  | <p><i>2. Within the framework of the external relations policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of its information analysis, constitute a country of origin or transit regarding asylum-related migration. The deployment of liaison officers shall be approved by the Management Board.</i></p> |  | <p><i>Outcome of technical discussions:</i></p> <p><b>1. Within the framework of the external relations policy of the Union, priority for the deployment of liaison officers shall be given to those third countries which, on the basis of its information analysis, constitute a country of origin or transit regarding asylum-related migration. The deployment of liaison officers shall be approved by the Management Board.</b></p> |

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|  | <p><b><i>3. The tasks of the Agency's liaison officers shall include, in compliance with Union law and in full respect of fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the establishment of protection-sensitive migration management and, as appropriate, to facilitating access to legal pathways to the Union for persons in need of protection, including through resettlement. The liaison officers shall coordinate closely with Union delegations as well as international organisations and bodies, in particular the UNHCR, where appropriate.</i></b></p> |  | <p><i>Outcome of technical discussions:</i></p> <p><b>2. The tasks of the Agency's liaison officers shall include, in compliance with Union law and in full respect of fundamental rights, establishing and maintaining contacts with the competent authorities of the third country to which they are assigned with a view to <u>gathering information and</u> contributing to the establishment of protection-sensitive migration management and, as appropriate, to facilitating access to legal pathways to the Union for persons in need of protection, including through resettlement. The liaison officers shall coordinate closely with Union delegations as well as international organisations and bodies, in particular UNHCR, where appropriate.</b></p> <p>Here the reference to “in full respect of fundamental rights” is found in the corresponding article in the EBCG.</p> |
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|  | <b><i>4. The decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission. The European Parliament shall be kept fully informed of those activities without delay.</i></b> |  | <i>Outcome of technical discussions:</i><br><br><b>4. The decision to deploy liaison officers to third countries shall be subject to receiving the prior opinion of the Commission. The European Parliament shall be kept fully informed of those activities without delay.</b> |
| <i>Article 36</i><br>Cooperation with Union agencies, bodies and offices |  | <i>Article 36</i><br>Cooperation with Union agencies, bodies and offices | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br><i>Article 36</i><br>Cooperation with Union agencies, bodies and offices   |

*Amendment 77*

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| <p>1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States and which are competent in matters covered by this Regulation.</p> | <p>1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights and the European <b>Border and Coast Guard</b> and which are competent in matters covered by this Regulation.</p> | <p>1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights, the European [...] <b>Border and Coast Guard Agency, Europol, Eurojust and eu-LISA</b> which are competent in matters covered by this Regulation.</p> | <p><u>Compromise proposal by the Rapporteur</u></p> <p>1. The Agency shall cooperate with agencies, bodies and offices of the Union having activities relating to its field of activity, in particular the European Union Agency for Fundamental Rights, the European [...] <b>Border and Coast Guard Agency and eu-LISA</b> which are competent in matters covered by this Regulation.</p> |
| <p>2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament of any such arrangements.</p>  | <p>2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament of any such arrangements.</p>  | <p>2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament and the Council of any such arrangements.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. Such cooperation shall take place within the framework of working arrangements concluded with those bodies, after having received the Commission's approval. The Agency shall inform the European Parliament and the Council of any such arrangements.</p>   |

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| <p>3. The cooperation shall create synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.</p> | <p>3. The cooperation shall create synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.</p> | <p>3. The cooperation shall create synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The cooperation shall create synergies among the relevant Union bodies and it shall prevent any duplication of effort in the work carried out by each one of them pursuant to their mandate.</p> |
| <p><i>Article 37</i><br/>Cooperation with the UNHCR and other international organisations</p>  |  | <p><i>Article 37</i><br/>Cooperation with the UNHCR and other international organisations</p>  |   |

*Amendment 78*

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

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

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

*EP compromise suggestion:*

The Agency shall cooperate with international organisations, in particular UNHCR, in areas governed by this Regulation, within the framework of working arrangements concluded with those bodies, in accordance with the Treaty and the provisions on the competence of those bodies. The Management Board shall decide on the working arrangements which shall be subject to prior approval of the Commission. ***The Agency shall inform the European Parliament and the Council of any such working arrangements. Such arrangements shall include emergency standby agreements to complement the Agency's capacity to provide operational and technical assistance to Member States, in particular with regard to the setting up or provision of reception facilities, the provision of information to asylum seekers, identification, referral and assistance to***

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|   |   |   | <i>vulnerable persons and the provision of interpretation services.</i> |
| <b>CHAPTER 9<br/>ORGANISATION OF THE<br/>AGENCY</b>                                       |   | <b>CHAPTER 9<br/>ORGANISATION OF THE<br/>AGENCY</b>                                       |   |
| <i>Article 38</i><br>Administrative and management<br>structure                           |   | <i>Article 38</i><br>Administrative and management<br>structure                           |   |
| <b><i>Amendment 79</i></b>  |   |   |   |
| The Agency's administrative and management structure shall comprise:                      | The Agency's administrative and management structure shall comprise:                      | The Agency's administrative and management structure shall comprise:                      |   |
| (a) a Management Board, which shall exercise the functions set out in Article 40;         | (a) a Management Board, which shall exercise the functions set out in Article 40;         | (a) a Management Board, which shall exercise the functions set out in Article 40;         |   |
| (b) an Executive Director, who shall exercise the responsibilities set out in Article 46; | (b) an Executive Director, who shall exercise the responsibilities set out in Article 46; | (b) an Executive Director, who shall exercise the responsibilities set out in Article 46; |   |
| (c) a Deputy Executive Director, as established in Article 47.                            | (c) a Deputy Executive Director, as established in Article 47;                            | (c) a Deputy Executive Director, as established in Article 47.                            |   |
|   | <b><i>(c a) a Fundamental Rights Officer;</i></b>   |   |   |

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|   | <i>(c b) a Consultative Forum.</i>  |   |  |
| <i>Article 39</i><br>Composition of the Management Board  |   | <i>Article 39</i><br>Composition of the Management Board  |  |
| <b><i>Amendment 80</i></b>  |   |   |  |
| 1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, which shall have the right to vote. | 1. The Management Board shall be composed of one representative from each Member State two representatives of the Commission <b><i>and two representatives of the European Parliament</i></b> , which shall have the right to vote. | 1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, which shall have the right to vote. |  |
| 2. The Management Board shall include one representative of UNHCR, without the right to vote.   | 2. The Management Board shall include one representative of UNHCR, without the right to vote.   | 2. The Management Board shall include one representative of UNHCR, without the right to vote.   |  |
| 3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.                                       | 3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.   | 3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.                                       |  |

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| <p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p> | <p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p> | <p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge <b>and expertise</b> in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. [...] All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p> |  |
| <p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>   | <p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>   | <p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>  |  |
| <p><i>Article 40</i><br/>Functions of the Management Board</p>  |   | <p><i>Article 40</i><br/>Functions of the Management Board</p>   |  |

*Amendment 81*

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| 1. The Management Board shall:  | The Management Board shall:   | 1. The Management Board shall <b>be the Agency's planning and monitoring body. It shall give general orientation for the Agency's activities and ensure that the Agency performs its tasks. It shall, in particular:</b> |  |
| (a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41; | (a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41; | (a) <i>deleted</i>   |  |
| (b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;                  | (b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;                  | (b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;                                 |  |

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| <p>(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;</p> | <p>(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;</p>  | <p>(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;</p> |  |
|  | <p><i>(ca) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;</i></p> |  |  |
| <p>(d) adopt the financial rules applicable to the Agency in accordance with Article 53;</p>   | <p>(d) adopt the financial rules applicable to the Agency in accordance with Article 53;</p>  | <p>(d) adopt the financial rules applicable to the Agency in accordance with Article 53;</p>   |  |
| <p>(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;</p>  | <p>(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;</p>   | <p>(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;</p>  |  |

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| (f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;   | (f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;   | (f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;   |  |
| (g) adopt rules for the prevention and management of conflicts of interest in respect of its members;  | (g) adopt rules for the prevention and management of conflicts of interest in respect of its members;  | (g) adopt rules for the prevention and management of conflicts of interest in respect of its members;  |  |
| (h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;   | (h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;   | (h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;   |  |
| (i) adopt its rules of procedure;  | (i) adopt its rules of procedure;  | (i) adopt its rules of procedure;  |  |
| (j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (appointing authority); | (j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment <sup>21</sup> (appointing authority); | (j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (appointing authority); |  |

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| (k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;  | (k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;                                     | (k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;  |  |
| (l) appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47; | (l) [...] exercise disciplinary authority over [...] <b><i>the Executive Director and Deputy Executive Director</i></b>   | (l) appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47; |  |
|  | <b><i>(l a) appoint the Fundamental Rights Officer on the proposal from the Executive Director, after consultation with the Consultative Forum;</i></b>   |  |  |
| (m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission;   | (m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission <b><i>and shall be made public;</i></b> | (m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission;   |  |

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| (n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b); | (n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);                  | (n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b); |  |
| (o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;   | (o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;  | (o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;   |  |
|   | <i>(o a) establish measures for the application of Regulation (EC) 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency;</i> |   |  |
| (p) adopt the Agency's staff policy in accordance with Article 55;  | (p) adopt the Agency's staff policy in accordance with Article 55;   | (p) adopt the Agency's staff policy in accordance with Article 55;  |  |
| (q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;  | (q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;   | (q) adopt [...] <b>each year the Agency's</b> programming document in accordance with Article 41;   |  |
| (r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;   | (r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;  | (r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;   |  |

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| (s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF); | (s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF); | (s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF); |  |
| (t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);   | (t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);   | (t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);   |  |
| (u) endorse the common analysis concerning country of origin information and any review of that common analysis in accordance with Article 10(2) and (3);  |  | (u) endorse [...] <b>the guidance notes</b> concerning country of origin information and any review [...] <b>or update of those guidance notes</b> in accordance with Article 10(2) and (3);                 |  |
|  |  | <b>(uu) adopt a decision establishing a common methodology for the monitoring mechanism referred to in Article 13;</b>   |  |

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| (v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);  | (v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);  | (v) adopt the programme for monitoring [...] <b>the operational and technical application of the CEAS</b> in accordance with Article 14(1), <b>and endorse the composition of the teams of experts as set up by the Executive Director in accordance with point (na) of Article 46(5);</b> |  |
| (w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);                                     | (w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);                                     | (w) <i>deleted</i>   |  |
| (x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);  | (x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);  | (x) adopt the recommendations following a monitoring exercise in accordance with Article 14(3);  |  |
| (y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);     | (y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);     | (y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams <b>including for the asylum reserve pool</b> in accordance with Article [...] <b>19A(2) and 19A(6);</b>   |  |
| (z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2); | (z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2); | (z) <i>deleted</i>   |  |

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| <p>(aa) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;</p>   | <p>(a a) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;</p>  | <p>(aa) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;</p>   |  |
| <p>(bb) authorise the conclusion of working arrangements in accordance with Article 35.</p>   | <p>(b b) authorise the conclusion of working arrangements in accordance with Article 35.</p>  | <p>(bb) authorise <b>and approve</b> the conclusion of working arrangements in accordance with Articles 35, <b>36 and 37</b>.</p>   |  |
| <p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p> | <p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p> | <p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p> |  |

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| <p>Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>  | <p>Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>  | <p>Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>   |  |
| <p>3. The Management Board may establish an Executive Board, composed of the Chairperson of the Management Board, the two representatives of the Commission to the Management Board and three other members of the Management Board, to assist it and the Executive Director with regard to the preparation of decisions, the annual and multi-annual programming and activities to be adopted by the Management Board. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters.</p> | <p>3. The Management Board may establish <i>a small-sized</i> Executive Board [...], <i>in order to provide</i> it and the executive director <i>with assistance as</i> regards the preparation of <i>the</i> decisions, <i>programmes</i> and activities to be adopted by the Management Board <i>and to</i> take certain provisional, <i>urgent</i> decisions on behalf of the Management Board <i>when necessary</i>. <i>The Executive Board shall not take decisions that are required to be passed by either a two-thirds or three-quarters majority of the members of the Management Board entitled to vote. The management board may delegate certain clearly defined tasks to the Executive Board, in particular where this improves the efficiency of the Agency. The Management Board</i></p> | <p>3. The Management Board may establish <b>a small-sized</b> Executive Board [...] to assist it and the Executive Director with regard to the preparation of decisions, [...] <b>programmes</b> and activities to be adopted by the Management Board. When necessary, [...] the Executive Board may take certain provisional, <b>urgent</b> decisions on behalf of the Management Board, in particular on administrative management matters. <b>The Executive Board shall not take decisions that must be passed by either a majority of two-thirds or three-fourths of the Management Board. The Management Board may delegate certain clearly defined tasks to the Executive Board, in particular</b></p> |  |

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|  | <i>may not delegate to the Executive Board tasks related to decisions that are required to be passed by either a two-thirds or three-quarters majority of the members of the Management Board entitled to vote.</i> | <b>where this improves the efficiency of the Agency. It may not delegate to the Executive Board tasks related to the decisions that must be passed by either a majority of two-thirds or three-fourths of the Management Board. For the purposes of establishing the Executive Board, the Management Board shall establish its rules of procedure which shall in particular cover its composition and functions.</b> |  |
| <i>Article 41</i><br>Multi-annual programming and annual work programmes |   | <i>Article 41</i><br>Multi-annual programming and annual work programmes   |  |

*Amendment 82*

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| <p>1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.</p> | <p>1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.</p> | <p>1. By 30 November each year, the Management Board shall adopt, <b>by a majority of two-thirds of members entitled to vote</b>, a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward [...] <b>the draft programming document</b> to the European Parliament, the Council and the Commission.</p> |  |
| <p>The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>  | <p>The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>  | <p>The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>  |  |

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| <p>A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.</p>  | <p>A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.</p>  | <p>A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.</p>  |  |
| <p>2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p>  | <p>2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p>  | <p>2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p>  |  |
| <p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p> | <p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, <b><i>the Fundamental Rights Strategy referred to in Article 54a</i></b>, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p> | <p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 35 and 37, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p> |  |

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| <p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>  | <p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>  | <p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>  |  |
| <p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p> | <p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p> | <p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p> |  |

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| 4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.  | 4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.  | 4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.  |   |
| Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director. | Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director. | Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director. |   |
| <i>Article 42</i><br>Chairperson of the Management Board   |  | <i>Article 42</i><br>Chairperson of the Management Board   | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br><i>Article 42</i><br>Chairperson of the Management Board |

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| <p>1. The Management Board shall elect a Chairperson and a Deputy Chairperson from its members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.</p> |  | <p>1. The Management Board shall elect a Chairperson and a Deputy Chairperson from its members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Management Board shall elect a Chairperson and a Deputy Chairperson from its members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a majority of two-thirds of the members of the Management Board with voting rights.</p> |
| <p>The Deputy Chairperson shall automatically replace the Chairperson if he or she is prevented from attending to his or her duties.</p>  |  | <p>The Deputy Chairperson shall automatically replace the Chairperson if he or she is prevented from attending to his or her duties.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>The Deputy Chairperson shall automatically replace the Chairperson if he or she is prevented from attending to his or her duties.</p>  |

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| <p>2. The term of office of the Chairperson and the Deputy Chairperson shall be four years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.</p> |  | <p>2. The term of office of the Chairperson and the Deputy Chairperson shall be four years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The term of office of the Chairperson and the Deputy Chairperson shall be four years. Their term of office may be renewed once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date.</p> |
| <p><i>Article 43</i><br/>Meetings of the Management Board</p>   |  | <p><i>Article 43</i><br/>Meetings of the Management Board</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 43</i><br/>Meetings of the Management Board</p>   |
| <p>1. The Chairperson shall convene meetings of the Management Board.</p>   |  | <p>1. The Chairperson shall convene meetings of the Management Board.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Chairperson shall convene meetings of the Management Board.</p>   |

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| <p>2. The Executive Director shall take part in the deliberations, without the right to vote.</p>   |  | <p>2. The Executive Director shall take part in the deliberations, without the right to vote.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br/>2. The Executive Director shall take part in the deliberations, without the right to vote.</p>   |
| <p>3. The representative of UNHCR shall not take part in the meeting when the Management Board performs the functions laid down in points (l), (o), (p), (q) and (r) of Article 40(1) and in Article 40(2), and when the Management Board decides to make financial resources available for financing UNHCR activities enabling the Agency to benefit from the its expertise as provided for in Article 49.</p> |  | <p>3. The representative of UNHCR shall not take part in the meeting when the Management Board performs the functions laid down in points (f), (g), (j), (k), (l), (o), (p), (q), (r) and (s) of Article 40(1) and in Article 40(2), and when the Management Board decides to make financial resources available for financing UNHCR activities enabling the Agency to benefit from the its expertise as provided for in Article 49.</p> | <p>Outcome of TM 27/02/2017 technical adaptation needed on the basis of Article 40 - confirmed by trilogue 8/3/2017</p>   |
| <p>4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.</p>  |  | <p>4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br/><br/>4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.</p> |

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| <p>5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.</p>   |  | <p>5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.</p>   |
| <p>6. Denmark shall be invited to attend the meetings of the Management Board.</p>   |  | <p>6. Denmark shall be invited to attend the meetings of the Management Board.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>6. Denmark shall be invited to attend the meetings of the Management Board.</p>   |
| <p>7. The members and the alternates of the Management Board may, subject to the provisions of its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> |  | <p>7. The members and the alternates of the Management Board may, subject to the provisions of its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>7. The members and the alternates of the Management Board may, subject to the provisions of its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> |
| <p>8. The Agency shall provide the secretariat for the Management Board.</p>   |  | <p>8. The Agency shall provide the secretariat for the Management Board.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>8. The Agency shall provide the secretariat for the Management Board.</p>   |

| <p style="text-align: center;"><i>Article 44</i><br/>Voting rules of the Management Board</p>   |  | <p style="text-align: center;"><i>Article 44</i><br/>Voting rules of the Management Board</p>  |  |
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| <p>1. Unless otherwise provided, the Management Board shall take its decisions by majority of its members with voting rights.</p>   |  | <p>1. Unless otherwise provided, the Management Board shall take its decisions by <b>an absolute</b> majority of its members with voting rights.</p>   |  |
| <p>2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his or her alternate shall be entitled to exercise his or her right to vote.</p> |  | <p>2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his or her alternate shall be entitled to exercise his or her right to vote.</p>  |  |
| <p>3. The Chairperson shall take part in the voting.</p>  |  | <p>3. The Chairperson shall take part in the voting.</p>   |  |
| <p>4. The Executive Director shall not take part in the voting.</p>   |  | <p>4. The Executive Director shall not take part in the voting.</p>  |  |
|   |  | <p><b>4a. Member States that do not fully participate in the acquis of the Union in the field of asylum shall not vote where the Management Board is called on to adopt operational standards, indicators, guidelines or best practices which relate exclusively to an asylum instrument of the Union by which they are not bound.</b></p> |  |

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| <p>5. The Management Board's Rules of Procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.</p>            |  | <p>5. The Management Board's Rules of Procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.</p>            |  |
| <p><i>Article 45</i><br/>Executive Director</p>  |  | <p><i>Article 45</i><br/>Executive Director</p>  |  |
| <p><b><i>Amendment 83</i></b></p>  |  |  |  |
| <p>1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.</p> | <p>1. The Executive Director <b><i>and the Deputy Executive Director, who shall assist the Executive Director,</i></b> shall be <b><i>members</i></b> of staff and shall be recruited as temporary <b><i>agents</i></b> of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.</p> | <p>1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.</p> |  |

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| <p>2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.</p> | <p>2. The <i>European Parliament and the Council shall appoint by common accord the Executive Director based on</i> a list of <i>at least three</i> candidates proposed by the Commission, following <i>the publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate</i>. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.</p> | <p>2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.</p> |  |
| <p>For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.</p>   | <p><i>deleted</i></p>   | <p>For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.</p>   |  |

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|  | <p><i>2a. The Deputy Executive Director shall be appointed by the Management Board on the proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of the CEAS. The Executive Director shall propose at least three candidates for the post of Deputy Executive Director. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.</i></p> |  |  |
|  | <p><i>The Management Board shall have the power to dismiss the Deputy Executive Director in accordance with the procedure set out in the first subparagraph.</i></p>   |  |  |
|  | <p><i>2b. The Executive Director and the Deputy Executive Director shall be eligible for reappointment once for no more than five years.</i></p>   |  |  |

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| <p>3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.</p>  | <p><i>deleted</i></p>  | <p>3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.</p>  |  |
| <p>4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.</p> | <p>4. The term of office of <b><i>the Deputy Executive Director and of the Executive Director</i></b> shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the <b><i>Deputy Executive Director's and</i></b> Executive Director's performance and the Agency's future tasks and challenges.</p> | <p>4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.</p> |  |
| <p>5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.</p>   | <p><i>deleted</i></p>  | <p>5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.</p>   |  |

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| <p>6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.</p> | <p><i>deleted</i></p>   | <p>6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.</p> |  |
| <p>7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.</p>   | <p>7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.</p> | <p>7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.</p>   |  |
| <p>8. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.</p>  | <p><i>deleted</i></p>   | <p>8. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.</p>  |  |
| <p>9. The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.</p>  | <p><i>deleted</i></p>   | <p>9. The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.</p>  |  |

| <i>Article 46</i><br>Responsibilities of the Executive Director   |   | <i>Article 46</i><br>Responsibilities of the Executive Director   |  |
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| <b><i>Amendment 84</i></b>  |   |   |  |
| 1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.   | 1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.   | 1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.   |  |
| 2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body. | 2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body. | 2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body. |  |
| 3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.   | 3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.   | 3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.   |  |
| 4. The Executive Director shall be the legal representative of the Agency.  | 4. The Executive Director shall be the legal representative of the Agency.  | 4. The Executive Director shall be the legal representative of the Agency.  |  |

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| 5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for: | 5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for: | 5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for: |  |
| (a) the day-to-day administration of the Agency;  | (a) the day-to-day administration of the Agency;  | (a) the day-to-day administration of the Agency;  |  |
| (b) implementing decisions adopted by the Management Board;   | (b) implementing decisions adopted by the Management Board;   | (b) implementing decisions adopted by the Management Board;   |  |
| (c) preparing the programming document and submitting it to the Management Board after consulting the Commission;   | (c) preparing the programming document and submitting it to the Management Board after consulting the Commission;   | (c) preparing the programming document and submitting it to the Management Board after consulting the Commission;   |  |
| (d) implementing the programming document and reporting to the Management Board on its implementation;  | (d) implementing the programming document and reporting to the Management Board on its implementation;  | (d) implementing the programming document and reporting to the Management Board on its implementation;  |  |
| (e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;   | (e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;   | (e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;   |  |

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| (f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;  | (f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;  | (f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;  |  |
| (g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties; | (g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties; | (g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties; |  |
| (h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;   | (h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;   | (h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;   |  |
| (i) preparing the draft financial rules applicable to the Agency;   | (i) preparing the draft financial rules applicable to the Agency;   | (i) preparing the draft financial rules applicable to the Agency;   |  |

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| (j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;   | (j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;   | (j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;   |  |
| (k) exercising the powers laid down in Article 55 in respect of the Agency's staff;   | (k) exercising the powers laid down in Article 55 in respect of the Agency's staff;   | (k) exercising the powers laid down in Article 55 in respect of the Agency's staff;   |  |
| (l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b); | (l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b); | (l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b); |  |
| (m) taking all decisions on the management of the Agency's internal structures;   | (m) taking all decisions on the management of the Agency's internal structures;   | (m) taking all decisions on the management of the Agency's internal structures;   |  |
|   |   | <b>(ma) drafting reports on the situation in third countries as referred to in Article 8;</b>   |  |
| (n) submitting the common analysis to the Management Board in accordance with Article 10(2);  | (n) submitting the common analysis to the Management Board <i>for review</i> in accordance with Article 10(2);  | (n) submitting the common analysis and guidance notes to the Management Board in accordance with Article 10(2);   |  |

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|   |  | (na) set up teams of experts for the purpose of Articles 13 and 14 which shall be composed of experts from the Agency's own staff, the Commission and, where necessary, the Member States;                 |  |
|   |  | (nb) initiate a monitoring exercise either on its own initiative, in consultation with the Commission, or at the request of the Commission in accordance with Article 14(2);                               |  |
| (o) submit draft reports and draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4); | (o) <i>finalising</i> reports and <i>submitting</i> draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4); | (o) submit the findings and draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) [...]; |  |
|   | <i>(o a) submitting reports on compliance with the duty to cooperate in good faith to the Management Board and to the Commission in accordance with Article 3(4);</i>  |  |  |
| (p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;   | (p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;  | (p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;  |  |

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| (q) ensuring the implementation of the operational plan referred to in Article 19;   | (q) ensuring the implementation of the operational plan referred to in Article 19;   | (q) ensuring the implementation of the operational plan referred to in Article 19;   |  |
| (r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1); | (r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1); | (r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1); |  |
| (s) ensuring implementation of the Commission decision referred to in Article 22(3);   | (s) ensuring implementation of the Commission decision referred to in Article 22(3);   | (s) ensuring implementation of the Council decision referred to in Article 22(1);  |  |
| (t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);  | (t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);  | (t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);  |  |
|  | <b><i>(t a) proposing a candidate for appointment as the Fundamental Rights Officer in accordance with Article 47a of this Regulation;</i></b>   |  |  |
| (u) appointing a coordinating officer of the Agency in accordance with Article 25(1).  | (u) appointing a coordinating officer of the Agency in accordance with Article 25(1).  | (u) appointing a coordinating officer of the Agency in accordance with Article 25(1).  |  |

*Amendment 85*

| <i>Article 47</i><br>Deputy Executive Director                      | <i>deleted</i> | <i>Article 47</i><br>Deputy Executive Director  |  |
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| 1. A Deputy Executive Director shall assist the Executive Director. |                | 1. A Deputy Executive Director shall assist the Executive Director <b>in the management of the Agency and in the performance of his or her tasks as referred to in Article 46(5). If the Executive Director is absent or indisposed, the Deputy Executive Director shall take his or her place.</b> |  |

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| <p>2. The provisions of Article 45 shall apply to the Deputy Executive Director.</p> |  | <p>2. The Deputy Executive Director shall be appointed by the Management Board on a proposal of the Executive Director. <b>The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of asylum. The Executive Director shall propose at least three candidates for the post of the Deputy Executive Director. The Management Board shall have the power to extend the term of office or to remove the Deputy Executive Director from office acting on the proposal from the Executive Director.</b> The provisions of Article 45 (1), (4), (7) and (9) shall apply to the Deputy Executive Director.</p> |  |
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*Amendment 86*

*Article 47a*

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

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|  | <p><i>2. The Fundamental Rights Officer shall be independent in the performance of his or her duties, shall report directly to the Management Board and shall cooperate with the Consultative Forum. The Fundamental Rights Officer shall report to the Consultative Forum on a regular basis and as such contribute to the mechanism for monitoring fundamental rights referred to in Article 54a.</i></p> |  |  |
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|  | <p><b><i>3. The Fundamental Rights Officer shall be consulted, inter alia, on the operational plans drawn up in accordance with Article 19, on the operational activities organised by or with the involvement of the Agency, codes of conduct, cooperation with third countries, the withdrawal of the financing, the suspension or the termination of an activity of the Agency and training curricula. The Fundamental Rights Officer shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency, including by carrying out on-site visits to any operational activity carried out by the Agency or where the Agency participates, including in third countries. The Fundamental Rights Officer shall be responsible for establishing, further developing and implementing the complaints mechanism pursuant to Article 54c.</i></b></p> |  |  |
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|   | <i>4. The Agency shall ensure that the Fundamental Rights Officer has the sufficient staff and resources to carry out his or her tasks. The Fundamental Rights Officer shall have control over his or her budget.</i>   |   |  |
| <i>Article 48</i><br>Consultative Forum   |   | <i>Article 48</i><br>Consultative Forum   |  |
| <b><i>Amendment 87</i></b>  |   |   |  |
| 1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum. | 1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum. | 1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum. |  |

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| <p>2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.</p> | <p>2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.</p> | <p>2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 [...].</p> |  |
| <p>3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.</p>  | <p>3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.</p>  | <p>3. The Agency shall invite the European Union Agency for Fundamental Rights, the European <b>Border and Coast Guard</b> Agency [...], UNHCR and other relevant organisations or bodies as referred to in paragraph 1.</p>                          |  |

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| <p>On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum.</p> | <p>[...] The Executive Director, [...] shall decide on the composition of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum. <b><i>The Consultative Forum shall, after consulting the Management Board and the Executive Director, define its working methods including thematic or geographic-focused working groups as deemed necessary and useful.</i></b></p> | <p>On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum.</p> |  |
| <p>4. The Consultative Forum shall assist the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.</p>   | <p>4. The Consultative Forum shall <b><i>advise</i></b> the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.</p>  | <p>4. The Consultative Forum shall advise the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.</p>   |  |

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|  | <p><i>4a. The Consultative Forum shall, in particular, be consulted on the establishment of the mechanism referred to in Article 13, further development and implementation of the Fundamental Rights Strategy, codes of conduct, working arrangements with third countries, the complaint mechanism referred to in Article 54c, operational plans and common core curricula.</i></p> |  |  |
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| 5. The Consultative Forum shall, in particular:   | 5. The Consultative Forum shall, in particular:   | 5. The Consultative Forum shall, in particular:   |  |
| (a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;  | (a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;  | (a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;  |  |
| (b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and  | (b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and  | (b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and  |  |
| (c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency. | (c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency. | (c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency. |  |
|   | <b><i>5a. The Management Board shall ensure that adequate human and financial resources are allocated to the Consultative Forum.</i></b>  |   |  |

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| 6. The Consultative Forum shall meet at least twice a year.   | 6. The Consultative Forum shall meet at least twice a year. | 6. The Consultative Forum shall meet at least [...] <b>once</b> a year.   |   |
| <b>CHAPTER 10<br/>FINANCIAL PROVISIONS</b>  |   | <b>CHAPTER 10<br/>FINANCIAL PROVISIONS</b>  |   |
| <i>Article 49</i><br>Budget   |   | <i>Article 49</i><br>Budget   |   |
| 1. Estimates of the revenue and expenditure of the Agency shall be prepared each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget. |   | 1. Estimates of the revenue and expenditure of the Agency shall be prepared each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget. | 1. Estimates of the revenue and expenditure of the Agency shall be prepared each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget. |
| 2. The Agency's budget shall be balanced in terms of revenue and of expenditure.  |   | 2. The Agency's budget shall be balanced in terms of revenue and of expenditure.  | 2. The Agency's budget shall be balanced in terms of revenue and of expenditure.  |
| 3. Without prejudice to other resources, the Agency's revenue shall comprise:   |   | 3. Without prejudice to other resources, the Agency's revenue shall comprise:   | 3. Without prejudice to other resources, the Agency's revenue shall comprise:   |
| (a) a contribution from the Union entered in the general budget of the European Union;  |   | (a) a contribution from the Union entered in the general budget of the European Union;  | (a) a contribution from the Union entered in the general budget of the European Union;  |

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| (b) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 53 and with the provisions of the relevant instruments supporting the policies of the Union; |  | (b) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 53 and with the provisions of the relevant instruments supporting the policies of the Union; | (b) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 53 and with the provisions of the relevant instruments supporting the policies of the Union; |
| (c) any voluntary financial contribution from the Member States;   |  | (c) any voluntary financial contribution from the Member States;   | (c) any voluntary financial contribution from the Member States;   |
| (d) any contribution from the associated countries;  |  | (d) any contribution from the associated countries;  | (d) any contribution from the associated countries;  |
| (e) charges for publications and any service provided by the Agency;   |  | (e) charges for publications and any service provided by the Agency;   | (e) charges for publications and any service provided by the Agency;   |
| 4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses as well as operating expenditure.  |  | 4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses as well as operating expenditure.  | 4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses as well as operating expenditure.  |

| <i>Amendment 88</i>                                      |   |  |   |
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|  | <p><b><i>4 a. The budget, including the establishment plan, shall include sufficient financing of the Fundamental Rights Strategy and the Fundamental Rights Officer amounting to at least 5 % of the overall budget.</i></b></p> |  | <p><i>Outcome of technical discussions, EP amendment to be replaced by the following recital:</i></p> <p><b>The Agency should further develop an implement a strategy to monitor and ensure the protection of fundamental rights. To that end it should provide its fundamental rights officer with adequate resources and staff corresponding to its mandate and size.</b></p> |
| <p><i>Article 50</i><br/>Establishment of the budget</p> |   | <p><i>Article 50</i><br/>Establishment of the budget</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017:</p> <p><i>Article 50</i><br/>Establishment of the budget</p>  |

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| <p>1. Each year the Executive Director shall draw up a provisional draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.</p> |  | <p>1. Each year the Executive Director shall draw up a provisional draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. Each year the Executive Director shall draw up a provisional draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.</p> |
| <p>2. The Management Board shall, on the basis of that provisional draft, adopt a provisional draft estimate of the Agency's revenue and expenditure for the following financial year.</p>   |  | <p>2. The Management Board shall, on the basis of that provisional draft, adopt a provisional draft estimate of the Agency's revenue and expenditure for the following financial year.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Management Board shall, on the basis of that provisional draft, adopt a provisional draft estimate of the Agency's revenue and expenditure for the following financial year.</p>   |
| <p>3. The provisional draft estimate of the Agency's revenue and expenditure shall be sent to the Commission, the European Parliament and the Council by 31 January each year.</p>   |  | <p>3. The provisional draft estimate of the Agency's revenue and expenditure shall be sent to the Commission, the European Parliament and the Council by 31 January each year.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The provisional draft estimate of the Agency's revenue and expenditure shall be sent to the Commission, the European Parliament and the Council by 31 January each year.</p>   |

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| <p>4. The Commission shall send the statement of estimates to the budgetary authority together with the draft general budget of the European Union.</p>  |  | <p>4. The Commission shall send the statement of estimates to the budgetary authority together with the draft general budget of the European Union.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>4. The Commission shall send the statement of estimates to the budgetary authority together with the draft general budget of the European Union.</p>  |
| <p>5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> |  | <p>5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.</p> |
| <p>6. The budgetary authority shall authorise the appropriations for the contribution to the Agency.</p>   |  | <p>6. The budgetary authority shall authorise the appropriations for the contribution to the Agency.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>6. The budgetary authority shall authorise the appropriations for the contribution to the Agency.</p>   |

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| <p>7. The budgetary authority shall adopt the Agency's establishment plan.</p>   |  | <p>7. The budgetary authority shall adopt the Agency's establishment plan.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>7. The budgetary authority shall adopt the Agency's establishment plan.</p>   |
| <p>8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.</p> |  | <p>8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.</p> |
| <p>9. For any building project likely to have significant implications for the budget of the Agency, the provisions of the Commission Delegated Regulation (EU) No 1271/2013 shall apply.</p>                          |  | <p>9. For any building project likely to have significant implications for the budget of the Agency, the provisions of the Commission Delegated Regulation (EU) No 1271/2013<sup>24</sup> shall apply.</p>             | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>9. For any building project likely to have significant implications for the budget of the Agency, the provisions of the Commission Delegated Regulation (EU) No 1271/2013<sup>24</sup> shall apply.</p>             |

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| <p><i>Article 51</i><br/>Implementation of the budget</p>  |  | <p><i>Article 51</i><br/>Implementation of the budget</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 51</i><br/>Implementation of the budget</p>   |
| <p>1. The Executive Director shall implement the Agency's budget.</p>  |  | <p>1. The Executive Director shall implement the Agency's budget.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Executive Director shall implement the Agency's budget.</p>   |
| <p>2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of evaluation procedures.</p>  |  | <p>2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of evaluation procedures.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of evaluation procedures.</p> |
| <p><i>Article 52</i><br/>Presentation of accounts and discharge</p>  |  | <p><i>Article 52</i><br/>Presentation of accounts and discharge</p>  |  |
| <p>1. By 1 March of the following financial year, the Agency's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors.</p> |  | <p>1. By 1 March of the following financial year, the Agency's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of Auditors.</p> | <p>1. By 1 March of the following financial year, the Agency's accounting officer shall send the provisional accounts to the Commission's Accounting Officer and to the Court of</p>                                 |

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**Amendment 89**

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| <p>2. By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.</p>   | <p>By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors. <b><i>The report shall provide details of expenditure for each of the tasks listed in Article 2.</i></b></p> | <p>2. By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors.</p>  | <p><i>Outcome of technical discussions, to be discussed further.</i></p>  |
| <p>By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.</p>   |  | <p>By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.</p>  | <p>By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the Court of Auditors.</p>  |
| <p>3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, the Executive Director shall draw up the Agency's final accounts under his or her own responsibility and submit them to the Management Board for an opinion.</p> |  | <p>3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council,<sup>25</sup> the Executive Director shall draw up the Agency's final accounts under his or her own responsibility and submit them to the Management Board for an opinion.</p> | <p>3. On receipt of the Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 148 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council,<sup>25</sup> the Executive Director shall draw up the Agency's final accounts under his or her own responsibility and submit them to the Management Board for an opinion.</p> |

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| 4. The Management Board shall deliver an opinion on the Agency's final accounts.   |  | 4. The Management Board shall deliver an opinion on the Agency's final accounts.   | 4. The Management Board shall deliver an opinion on the Agency's final accounts.   |
| 5. The Executive Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion. |  | 5. The Executive Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion. | 5. The Executive Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Management Board's opinion. |
| 6. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.   |  | 6. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.   | 6. The final accounts shall be published in the Official Journal of the European Union by 15 November of the following year.   |
| 7. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send this reply to the Management Board.   |  | 7. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send this reply to the Management Board.   | 7. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send this reply to the Management Board.   |

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| <p>8. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.</p> |  | <p>8. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.</p> | <p>8. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 165(3) of the Financial Regulation.</p> |
| <p>9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.</p>                                     |  | <p>9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.</p>                                     | <p>9. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.</p>                                     |
| <p><i>Article 53</i><br/>Financial rules</p>   |  | <p><i>Article 53</i><br/>Financial rules</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 53</i><br/>Financial rules</p>  |

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| <p>1. The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall comply with Delegated Regulation (EU) No 1271/2013 except where a derogation from the provisions of that Regulation is specifically required for the Agency's operation and if the Commission has given its prior consent.</p>                    |  | <p>1. The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall comply with Delegated Regulation (EU) No 1271/2013 except where a derogation from the provisions of that Regulation is specifically required for the Agency's operation and if the Commission has given its prior consent.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall comply with Delegated Regulation (EU) No 1271/2013 except where a derogation from the provisions of that Regulation is specifically required for the Agency's operation and if the Commission has given its prior consent.</p>  |
| <p>2. The Agency may award grants related to the fulfilment of the tasks referred to in Article 2, in accordance with this Regulation or by delegation of the Commission pursuant to Article 58(1)(c)(iv) of Regulation (EU, Euratom) No 966/2012. The relevant provisions of Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/2012 shall apply.</p> |  | <p>2. The Agency may award grants related to the fulfilment of the tasks referred to in Article 2, in accordance with this Regulation or by delegation of the Commission pursuant to Article 58(1)(c)(iv) of Regulation (EU, Euratom) No 966/2012.<sup>26</sup> The relevant provisions of Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No 1268/2012<sup>27</sup> shall apply.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Agency may award grants related to the fulfilment of the tasks referred to in Article 2 <b>and make use of framework contracts</b> in accordance with this Regulation or by delegation of the Commission pursuant to Article 58(1)(c)(iv) of Regulation (EU, Euratom) No 966/2012.<sup>26</sup> The relevant provisions of Regulation (EU, Euratom) No 966/2012 and Commission Delegated Regulation (EU) No</p> |

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|  |  |  | 1268/2012 <sup>27</sup> shall apply. |
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| CHAPTER 11<br>GENERAL PROVISIONS   |  | CHAPTER 11<br>GENERAL PROVISIONS   |   |
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| <p><i>Article 54</i><br/>Legal status</p>  |  | <p><i>Article 54</i><br/>Legal status</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 54</i><br/>Legal status</p>  |
| <p>1. The Agency shall be a body of the Union. It shall have legal personality.</p>  |  | <p>1. The Agency shall be a body of the Union. It shall have legal personality.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Agency shall be a body of the Union. It shall have legal personality.</p>  |
| <p>2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.</p> |  | <p>2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.</p> |

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| 3. The Agency shall be independent in relation to operational and technical matters. |  | 3. The Agency shall be independent as regards operational and technical matters. | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>3. The Agency shall be independent as regards operational and technical matters. |
| 4. The Agency shall be represented by its Executive Director.                        |  | 4. The Agency shall be represented by its Executive Director.                    | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>4. The Agency shall be represented by its Executive Director.                    |
| 5. The seat of the Agency shall be Malta.  |  | 5. The seat of the Agency shall be Malta.  | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>5. The seat of the Agency shall be Malta.  |
| <b><i>Amendment 90</i></b>   |  |  |   |
|  | <b><i>Article 54a<br/>Protection of Fundamental Rights<br/>and Fundamental Rights Strategy</i></b> |  |   |

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|                     | <p><i>1. The Agency shall guarantee the protection of fundamental rights in the performance of its tasks under this Regulation in accordance with relevant Union law, in particular the Charter, relevant international law, including the 1951 Convention, the 1967 Protocol, the legal norms adopted in the context of the CEAS and obligations related to access to and content of international protection.</i></p> |  |  |
|                     | <p><i>2. For the purpose referred to in paragraph 1, the Agency shall draw up and further develop and implement a Fundamental Rights Strategy including an effective mechanism to monitor the respect for fundamental rights in all the activities of the Agency.</i></p>   |  |  |
| <i>Amendment 91</i> |   |  |  |
|                     | <p><i>Article 54b<br/>Code of Conduct</i></p>   |  |  |

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|                            | <p><i>The Agency shall draw up and further develop a Code of Conduct applicable to all experts involved in support operations coordinated by the Agency. The Code of Conduct shall lay down procedures intended to guarantee the principles of the rule of law and respect for fundamental rights with particular focus on children, unaccompanied minors and other persons in a vulnerable situation, as well as on persons seeking international protection. The Code of Conduct shall be applicable to all persons participating in the activities of the Agency.</i></p> |  |  |
| <p><i>Amendment 92</i></p> |  |  |  |
|                            | <p><i>Article 54c<br/>Complaint mechanism</i></p>  |  |  |
|                            | <p><i>1. The Agency shall, in cooperation with the Fundamental Rights Officer, take the necessary measures to set up a complaint mechanism in accordance with this Article to monitor and ensure the respect for fundamental rights in all the activities of the Agency.</i></p>   |  |  |

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|  | <p><i>2. Any person who is directly affected by the actions of staff involved in operational activities organised by or with the involvement of the Agency, and who considers him or herself to have been the subject of a breach of his or her fundamental rights due to those actions, or any party representing such a person, may submit a complaint in writing to the Agency.</i></p> |  |  |
|  | <p><i>3. Only substantiated complaints involving concrete fundamental rights violations shall be admissible. Complaints which are anonymous, malicious, frivolous, vexatious, hypothetical or inaccurate shall be considered inadmissible.</i></p>   |  |  |

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|  | <p><i>4. The Fundamental Rights Officer shall be responsible for handling complaints received by the Agency in accordance with the right to good administration. For this purpose, the Fundamental Rights Officer shall review the admissibility of a complaint, register admissible complaints, forward all registered complaints to the Executive Director, forward complaints concerning members of the teams to the home Member State, inform the relevant authority or body competent for fundamental rights in a Member State, and register and ensure the follow-up by the Agency or that Member State.</i></p> |  |  |
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|  | <p><i>5. In accordance with the right to good administration, where a complaint is admissible, complainants shall be informed that a complaint has been registered, that an assessment has been initiated and that a response may be expected as soon as it becomes available. Where a complaint is forwarded to national authorities or bodies, the complainant shall be provided with their contact details. Where a complaint is not admissible, complainants shall be informed of the reasons for the inadmissibility and, if possible, provided with further options for addressing their concerns.</i></p> |  |  |
|  | <p><i>Any decision shall be in written form and reasoned.</i></p>  |  |  |

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|  | <p><b><i>6. In the case of a registered complaint concerning a staff member of the Agency, the Executive Director shall ensure appropriate follow-up, in consultation with the Fundamental Rights Officer, including disciplinary measures as necessary. The Executive Director shall report back within a determined timeframe to the Fundamental Rights Officer as to the findings and follow-up given by the Agency to a complaint, including disciplinary measures as necessary.</i></b></p> |  |  |
|  | <p><b><i>If a complaint is related to data protection issues, the Executive Director shall involve the Data Protection Officer of the Agency. The Fundamental Rights Officer and the Data Protection Officer shall establish, in writing, a memorandum of understanding specifying their division of tasks and cooperation as regards complaints received.</i></b></p>   |  |  |

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|  | <p><i>7. In the case of a complaint concerning an expert of a host Member State or a member of the teams, including seconded members of the teams or seconded national experts, the home Member State shall ensure appropriate follow-up, including disciplinary measures as necessary or other measures in accordance with national law. The relevant Member State shall report back to the Fundamental Rights Officer as to the findings and follow-up to a complaint within a determined time period, and if necessary, at regular intervals thereafter. The Agency shall follow-up the matter where no report is received from the relevant Member State.</i></p> |  |  |
|  | <p><i>8. Where an expert deployed by the Agency or a seconded national expert is found to have violated fundamental rights or international protection obligations, the Agency shall request the Member State to remove that expert or seconded national expert immediately from the activity of the Agency or the asylum intervention pool.</i></p>  |  |  |

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|  | <b><i>9. The Fundamental Rights Officer shall report to the Executive Director and to the Management Board as to the findings and follow-up given to complaints by the Agency and the Member States. The Agency shall include in its annual report information on the complaints mechanism.</i></b> |  |   |
| Article 55<br>Staff  |   | Article 55<br>Staff  | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>Article 55<br>Staff  |
| 1. The Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Union and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the Agency. |   | 1. The Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Union and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the Agency. | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>1. The Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Union and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the Agency. |

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| <p>2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations.</p>                        |  | <p>2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations.</p>                        | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Management Board shall adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations.</p>                        |
| <p>3. The powers conferred on the appointing authority by the Staff Regulations and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants shall be exercised by the Agency in respect of its own staff.</p> |  | <p>3. The powers conferred on the appointing authority by the Staff Regulations and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants shall be exercised by the Agency in respect of its own staff.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The powers conferred on the appointing authority by the Staff Regulations and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants shall be exercised by the Agency in respect of its own staff.</p> |

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| <p>4. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.</p> |  | <p>4. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>4. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.</p> |
| <p>5. The Agency may employ staff to work in the field in Member States.</p>   |  | <p>5. The Agency may employ staff to work in the field in Member States.</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. The Agency may employ staff to work in the field in Member States.</p>   |
| <p><i>Article 56</i><br/>Privileges and immunities</p>   |  | <p><i>Article 56</i><br/>Privileges and immunities</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 56</i><br/>Privileges and immunities</p>   |
| <p>The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.</p>  |  | <p>The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.</p>  |

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| <p style="text-align: center;"><i>Article 57</i><br/>Language arrangements</p>   |  | <p style="text-align: center;"><i>Article 57</i><br/>Language arrangements</p>   | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p style="text-align: center;"><i>Article 57</i><br/>Language arrangements</p>   |
| <p>1. The provisions laid down in Council Regulation No 1 shall apply to the Agency.</p>   |  | <p>1. The provisions laid down in Council Regulation No 1<sup>28</sup> shall apply to the Agency.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The provisions laid down in Council Regulation No 1<sup>28</sup> shall apply to the Agency.</p>  |
| <p>2. Without prejudice to decisions taken on the basis of Article 342 of the Treaty, the consolidated annual activity report on the Agency's activities and the programming document shall be produced in all the official languages of the institutions of the European Union.</p> |  | <p>2. Without prejudice to decisions taken on the basis of Article 342 of the Treaty, the consolidated annual activity report on the Agency's activities and the programming document shall be produced in all the official languages of the institutions of the European Union.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. Without prejudice to decisions taken on the basis of Article 342 of the Treaty, the consolidated annual activity report on the Agency's activities and the programming document shall be produced in all the official languages of the institutions of the European Union.</p> |

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| <p>3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the bodies of the European Union.</p> |  | <p>3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the bodies of the European Union.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the bodies of the European Union.</p> |
| <p><i>Article 58</i><br/>Transparency</p>  |  | <p><i>Article 58</i><br/>Transparency</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 58</i><br/>Transparency</p>  |
| <p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p>  |  | <p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p>  |

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| <p>2. The Agency may communicate on its own initiative in the fields within its mission. It shall make public the consolidated annual activity report and ensure in particular that the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.</p> |  | <p>2. The Agency may communicate on its own initiative in the fields within its mission. It shall make public the consolidated annual activity report and ensure in particular that the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Agency may communicate on its own initiative in the fields within its mission. It shall make public the consolidated annual activity report and ensure in particular that the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work.</p> |
| <p>3. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for the application of paragraphs 1 and 2.</p>  |  | <p>3. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for the application of paragraphs 1 and 2.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for the application of paragraphs 1 and 2.</p>  |

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| <p>4. Any natural or legal person shall be entitled to address himself or herself in writing to the Agency in any official language of the Union. He or she shall have the right to receive an answer in the same language.</p> |  | <p>4. Any natural or legal person shall be entitled to address himself or herself in writing to the Agency in any official language of the Union. He or she shall have the right to receive an answer in the same language.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>4. Any natural or legal person shall be entitled to address himself or herself in writing to the Agency in any official language of the Union. He or she shall have the right to receive an answer in the same language.</p> |
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| <p>5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be subject to a complaint to the Ombudsman or an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p> |  | <p>5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be subject to a complaint to the Ombudsman or an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be subject to a complaint to the Ombudsman or an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.</p> |
| <p><i>Article 59</i><br/>Combating fraud</p>  |  | <p><i>Article 59</i><br/>Combating fraud</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p><i>Article 59</i><br/>Combating fraud</p>  |

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| <p>1. In order to facilitate combating fraud, corruption and other unlawful activities Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council shall apply without restriction. The Agency shall accede to the Inter-institutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.</p> |  | <p>1. In order to facilitate combating fraud, corruption and other unlawful activities Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>29</sup> shall apply without restriction. The Agency shall accede to the Inter-institutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.</p> | <p>1. In order to facilitate combating fraud, corruption and other unlawful activities Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>29</sup> shall apply without restriction. The Agency shall accede to the Inter-institutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt appropriate provisions applicable to all the employees of the Agency using the template set out in the Annex to that Agreement.</p> |
| <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.</p>   |  | <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.</p>   |

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| <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (EC, Euratom) No 2185/96.</p> |  | <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (EC, Euratom) No 2185/96.<sup>30</sup></p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (EC, Euratom) No 2185/96.<sup>30</sup></p> |
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| <p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p> |   | <p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p> |
| <i>Amendment 93</i>  |   |  |   |
|  | <i>Article 59a<br/>Prevention of conflicts of interest</i>  |  |   |
|  | <p><i>The Agency shall adopt internal rules requiring the members of its bodies and its staff members to avoid any situation liable to give rise to a conflict of interest during their employment or term of office and to report such situations.</i></p> |  |   |

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| <p align="center"><i>Article 60</i></p> <p>Security rules on the protection of classified information and sensitive non-classified information</p>  |   | <p align="center"><i>Article 60</i></p> <p>Security rules on the protection of classified information and sensitive non-classified information</p>  |  |
| <b><i>Amendment 94</i></b>  |   |   |  |
| <p>1. The Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. Those rules shall apply, in particular, to the exchange, processing and storage of classified information.</p>  | <p>1. The Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443<sup>35</sup> and 2015/444.<sup>36</sup> Those rules shall apply, in particular, to the exchange, processing and storage of classified information.</p>  | <p>1. The Agency shall apply the Commission's rules on security as set out in Commission Decisions (EU, Euratom) 2015/443<sup>31</sup> and 2015/444.<sup>32</sup> Those rules shall apply, in particular, to the exchange, processing and storage of classified information.</p>  |  |
| <p>2. The Agency shall also apply the security principles relating to the processing of non-classified sensitive information as set out in the Decisions referred to in paragraph 1 and as implemented by the Commission. The Management Board shall establish measures for the application of those security principles.</p> | <p>2. The Agency shall also apply the security principles relating to the processing of non-classified sensitive information as set out in the Decisions referred to in paragraph 1 and as implemented by the Commission. The Management Board shall establish measures for the application of those security principles.</p> | <p>2. The Agency shall also apply the security principles relating to the processing of non-classified sensitive information as set out in the Decisions referred to in paragraph 1 and as implemented by the Commission. The Management Board shall establish measures for the application of those security principles.</p> |  |

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|   | <p><i>2a. Classified information shall be made available to the European Parliament in accordance with this Regulation. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall comply with the rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.</i></p> |   | <p><i>Outcome of technical discussions:</i></p> <p><b>Classification shall not preclude information being made available to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament in accordance with this Regulation shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.</b></p> <p><i>This the text identical to Article 50(3) of EBCG.</i></p> |
| <p><i>Article 61<br/>Liability</i></p>  |  | <p><i>Article 61<br/>Liability</i></p>  |   |
| <p>1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.</p> |  | <p>1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.</p> | <p>1. The Agency's contractual liability shall be governed by the law applicable to the contract in question.</p>   |

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| <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p>   |  | <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p>   | <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p> |
| <b><i>Amendment 95</i></b>  |  |   |   |
| <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.</p> | <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties. <b><i>In cases referred to in Article 26 the Agency shall be liable for any damages caused by members of the teams during their operations, in particular, the damages caused by violations of fundamental rights.</i></b></p> | <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its departments or by its staff in the performance of their duties.</p> | <p><i>To be discussed further.</i></p>  |
| <p>4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>  |  | <p>4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>  | <p>4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>                                |

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| 5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them. |  | 5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them. | 5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.                        |
| <i>Article 62</i><br>Administrative monitoring   |  | <i>Article 62</i><br>Administrative monitoring   | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br><i>Article 62</i><br>Administrative monitoring   |
| The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.   |  | The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.   | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty. |
| <i>Article 63</i><br>Headquarters agreement and operating conditions   |  | <i>Article 63</i><br>Headquarters agreement and operating conditions   |   |

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| <p>1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and the host Member State, concluded after obtaining the approval of the Management Board.</p> |  | <p>1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and the host Member State, concluded after obtaining the approval of the Management Board.</p> |  |
| <p>2. The Agency's host Member State shall provide the best possible conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.</p>   |  | <p>2. The Agency's host Member State shall provide the [...] <b>necessary</b> conditions to ensure the proper functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.</p>  |  |
| <i>Amendment 96</i>  |  |  |  |
|  | <p><i>Article 63 a</i><br/><i>Amendment to Regulation (EU)</i><br/><i>2016/399</i></p> |  |  |

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|  | <p><i>In Regulation (EU) 2016/399, Article 29(1) is replaced by the following: ‘1. In exceptional circumstances, where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control as referred to in Article 21 of this Regulation or as a result of the non-compliance of a Member State with a Council decision referred to in Article 19(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>1a</sup>, or as a result of the non-compliance of the Member State with the Commission implementing act referred to in Article 15 (3 a) of Regulation (EU) 2016/... of the European Parliament and of the Council<sup>*+</sup>, and under the conditions set out therein, and insofar as those circumstances constitute a serious threat to public policy or internal security within the area without internal border control or within parts thereof, border control at internal borders may be reintroduced in accordance with paragraph 2 of this Article for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six</i></p> |  |  |
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|   | <i>months if the exceptional circumstances persist.</i> |  |  |
| <b>CHAPTER 12<br/>FINAL PROVISIONS</b>  |   | <b>CHAPTER 12<br/>FINAL PROVISIONS</b> |  |
| <i>Article 64</i><br>Committee Procedure  |   | <i>Article 64</i><br><i>deleted</i>    |  |
| 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.   |   |  |  |
| 3. Where the opinion of the committee is obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or two-thirds of the committee members so request. |   |  |  |

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| 4. 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.  |   |  |   |
| 5. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.   |   |  |   |
| <i>Article 65</i><br>Reporting  |   | <i>Article 65</i><br>Reporting   |   |
| <b><i>Amendment 97</i></b>  |   |  |   |
| 1. The Agency shall draw up an annual activity report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Agency shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS. | 1. The Agency shall draw up an annual activity report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Agency shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS. | 1. The Agency shall draw up an annual [...] report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Agency shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS. | <i>Outcome of technical discussions:</i><br><br>1. The Agency shall draw up an annual [...] report on the situation of asylum in the Union [...]. The Agency shall transmit [...] <b>that</b> report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament. <b>The annual report on the situation of asylum shall be made public.</b> |

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| 2. The Agency shall transmit the annual activity report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament. | 2. The Agency shall transmit the annual activity report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament. | 2. The Agency shall transmit the annual [...] report to the Management Board, the European Parliament, the Council and the Commission. The Executive Director shall present the annual report to the European Parliament. | <i>Covered by para 1.</i> |
|  | <b><i>2a. The annual activity report shall be made public and published on the Agency's website.</i></b>   |   | <i>Covered by para 1.</i> |
| <i>Article 66</i><br>Evaluation and review   |  | <i>Article 66</i><br>Evaluation and review  |                           |

*Amendment 98*

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| <p>1. No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall commission an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.</p> | <p>1. No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall commission an <b>independent external</b> evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and on the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.</p> | <p>1. No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall commission an evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and <b>on facilitating the implementation of</b> the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.</p> | <p><i>Outcome of technical discussions:</i></p> <p>1. No later than three years from the day of entry into force of this Regulation, and every five years thereafter, the Commission shall commission an <b>independent external</b> evaluation to assess, in particular, the Agency's performance in relation to its objectives, mandate and tasks. That evaluation shall cover the Agency's impact on practical cooperation on asylum-related matters and <b>on facilitating the implementation of</b> the CEAS. The evaluation shall take due regard of progress made, within its mandate, including assessing whether additional measures are necessary to ensure effective solidarity and sharing of responsibilities with Member States subject to particular pressure.</p> <p><i>Article 81(1) of EBCG contains a reference to "an independent external evaluation".</i></p> |
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| <p>The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.</p> | <p>The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.</p> | <p>The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.</p> | <p>The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. It shall also examine whether the management structure is appropriate for carrying out the Agency's duties. The evaluation shall take into account the views of stakeholders, at both Union and national level.</p> |
| <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.</p>  | <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.</p>  | <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. [...]</p>   | <p>2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, the Council and the Management Board. [...]</p>   |
| <p>3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.</p>  | <p>3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.</p>  | <p>3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.</p>  | <p>3. On the occasion of every second evaluation, the Commission shall consider whether continuation of the Agency is justified with regard to its objectives, mandate and tasks and it may propose that this Regulation be amended accordingly or repealed.</p>  |

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| <p style="text-align: center;"><i>Article 67</i><br/>Repeal</p>  |  | <p style="text-align: center;"><i>Article 67</i><br/>Repeal</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p style="text-align: center;"><i>Article 67</i><br/>Repeal</p>  |
| <p>1. Regulation (EU) No 439/2010 is repealed with effect from entry into force of this Regulation.</p>  |  | <p>1. Regulation (EU) No 439/2010 is repealed with effect from entry into force of this Regulation.</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. Regulation (EU) No 439/2010 is repealed with effect from entry into force of this Regulation.</p>  |
| <p>2. References to the repealed Regulation shall be construed as references to this Regulation in accordance with the correlation table set out in the Annex.</p> |  | <p>2. References to the repealed Regulation shall be construed as references to this Regulation in accordance with the correlation table set out in the Annex.</p> | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. References to the repealed Regulation shall be construed as references to this Regulation in accordance with the correlation table set out in the Annex.</p> |
| <p style="text-align: center;"><i>Article 68</i><br/>Entry into force</p>  |  | <p style="text-align: center;"><i>Article 68</i><br/>Entry into force</p>  | <p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p style="text-align: center;"><i>Article 68</i><br/>Entry into force</p>  |

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| This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |  | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br><br>This Regulation shall enter into force on the twentieth 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.               |  | This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.               | Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017<br>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.                   |
| Done at Brussels,  |  | Done at Brussels,  |   |
| For the European Parliament President  |  | For the European Parliament President  |   |
| For the Council President  |  | For the Council President  |   |
| <b><i>Amendment 99</i></b>   |  |  |   |
|  | <b><i>Annex 1a</i></b>   |  |   |
|  | <b><i>Contributions to be provided by each Member State, to the minimum total number of 500 experts, in accordance with Article 18 (1a):</i></b> |  |   |

|  |                       |  |  |
|--|-----------------------|--|--|
|  | <i>Belgium</i>        |  |  |
|  | <i>10</i>             |  |  |
|  | <i>Bulgaria</i>       |  |  |
|  | <i>13</i>             |  |  |
|  | <i>Czech Republic</i> |  |  |
|  | <i>7</i>              |  |  |
|  | <i>Denmark</i>        |  |  |
|  | <i>10</i>             |  |  |
|  | <i>Germany</i>        |  |  |
|  | <i>74</i>             |  |  |
|  | <i>Estonia</i>        |  |  |
|  | <i>6</i>              |  |  |
|  | <i>Greece</i>         |  |  |
|  | <i>17</i>             |  |  |

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|--|------------------|--|--|
|  | <i>Spain</i>     |  |  |
|  | 37               |  |  |
|  | <i>France</i>    |  |  |
|  | 56               |  |  |
|  | <i>Croatia</i>   |  |  |
|  | 22               |  |  |
|  | <i>Italy</i>     |  |  |
|  | 41               |  |  |
|  | <i>Cyprus</i>    |  |  |
|  | 3                |  |  |
|  | <i>Latvia</i>    |  |  |
|  | 10               |  |  |
|  | <i>Lithuania</i> |  |  |
|  | 13               |  |  |

|  |                    |  |  |
|--|--------------------|--|--|
|  | <i>Luxembourg</i>  |  |  |
|  | 3                  |  |  |
|  | <i>Hungary</i>     |  |  |
|  | 22                 |  |  |
|  | <i>Malta</i>       |  |  |
|  | 2                  |  |  |
|  | <i>Netherlands</i> |  |  |
|  | 17                 |  |  |
|  | <i>Austria</i>     |  |  |
|  | 11                 |  |  |
|  | <i>Poland</i>      |  |  |
|  | 32                 |  |  |
|  | <i>Portugal</i>    |  |  |
|  | 16                 |  |  |

|  |                    |  |  |
|--|--------------------|--|--|
|  | <i>Romania</i>     |  |  |
|  | <i>24</i>          |  |  |
|  | <i>Slovenia</i>    |  |  |
|  | <i>12</i>          |  |  |
|  | <i>Slovakia</i>    |  |  |
|  | <i>12</i>          |  |  |
|  | <i>Finland</i>     |  |  |
|  | <i>10</i>          |  |  |
|  | <i>Sweden</i>      |  |  |
|  | <i>6</i>           |  |  |
|  | <i>Switzerland</i> |  |  |
|  | <i>5</i>           |  |  |
|  | <i>Iceland</i>     |  |  |
|  | <i>2</i>           |  |  |

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|--|----------------------|--|--|
|  | <i>Liechtenstein</i> |  |  |
|  | *                    |  |  |
|  | <i>Norway</i>        |  |  |
|  | 7                    |  |  |
|  | <b>TOTAL</b>         |  |  |
|  | <b>500</b>           |  |  |

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