

Qualification Regulation

The following provisions, placed in square brackets, are not part of the Council mandate:

- Recitals (10), (14) and (43);
- Article 2 (7) and (8);
- the reference to the Resettlement Regulation in Article 4 (2);
- Article 29 (2), and
- Article 36 (1) the last two sub-paragraphs.

In order to facilitate the reading, these parts have been highlighted in in the table below as follows:

- the parts in yellow concern cross-references to other proposals which depend on the finalisation of the CEAS package;
- the parts in in green mark the elements upo which agreement has been confirmed;
- the parts in blue mark the elements upon which the agreement reached at technical level has to be confirmed at political level.

New text in the fourth column compared to the COM proposal is marked in **bold** and new text compared to the previous version of the table is marked in underline. Deleted text in the fourth column compared to COM proposal is marked with [...].

2016/0223 (COD)

<p>Commission proposal</p> <p>(11316/16)</p>	<p>EP position</p>	<p>Council's mandate for negotiations with the EP</p> <p>(11441/17)</p>	
<p>Proposal for a</p>		<p>Draft [...]</p>	
<p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p>		<p>Regulation of the European Parliament and of the Council</p>	
<p>on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents</p>		<p>on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, <u>and</u> amending Council Directive 2003/109/EC [...] concerning the status of third-country nationals who are long-term residents <u>and deleting Council Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted</u></p>	

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 points (a) and (b) of Article 78(2) and (a) of Article 79 (2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 78(2) and (a) of Article 79(2) thereof,	<i>Agreement</i>
Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	<i>Agreement</i>
Having regard to the opinion of the European Economic and Social Committee,		Having regard to the opinion of the European Economic and Social Committee,	<i>Agreement</i>
Having regard to the opinion of the Committee of the Regions,		Having regard to the opinion of the Committee of the Regions,	<i>Agreement</i>
Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	<i>Agreement</i>
Whereas:		Whereas:	<i>Agreement</i>
(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as	Amendment 1 (1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as	(1) A number of substantive changes are to be made to Council Directive 2011/95/EU ³ [...]. To ensure harmonisation and more convergence in asylum decisions and as regards the content of	

³ Council Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

<p>beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted¹ (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to reduce incentives to move within the European Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.</p>	<p>beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted² (recast). To ensure harmonisation and more convergence in asylum decisions, <i>to achieve high common standards of protection across the Member States</i>, and, as regards the content of international protection, to <i>encourage beneficiaries of international protection to remain in the Member State that granted them protection</i> and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.</p>	<p>international protection in order to reduce incentives to move within the [...]Union and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.</p>	
<p>(2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as</p>	<p>Amendment 2 (2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as</p>	<p>(2) A common policy on asylum, including a Common European Asylum System (CEAS) which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as</p>	

¹ OJ L 337, 20.12.2011, p. 9.

² OJ L 337, 20.12.2011, p. 9

<p>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.</p>	<p>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, [...] between the Member States. <i>The Geneva Convention is the cornerstone of the international legal regime for the protection of refugees.</i></p>	<p>amended by the New York Protocol of 31 January 1967 (hereinafter referred to as the 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.</p>	
<p>(3) The CEAS is based on common 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 achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of</p>	<p>Amendment 3 (3) The CEAS is based on common 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 achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of</p>	<p>(3) The CEAS is based on common 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 achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of</p>	

<p>protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences are important drivers of secondary movements and undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.</p>	<p>protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences [...] undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.</p>	<p>protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences can be [...] important drivers of secondary movements and undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.</p>	
	<p>Amendment 4</p> <p><i>(3a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. A move by Member States towards a mutual recognition of asylum decisions issued by other Member States which grant international protection to persons in need would ensure the proper implementation of Article 78(2) of the Treaty on the Functioning of the European Union (TFEU), which calls for a uniform status of asylum, valid throughout the Union.</i></p>		
<p>(4) In its Communication of 6</p>	<p>Amendment 5</p> <p>(4) In its Communication of 6</p>	<p>(4) In its Communication of 6</p>	

<p>April 2016,⁴ the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum agency. That Communication is in line with calls by the European Council on 18-19 February 2016⁵ 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.</p>	<p>April 2016,⁶ the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and a new mandate for the European Union Agency for Asylum (<i>the Agency</i>). That Communication is in line with calls by the European Council on 18-19 February 2016⁷ to make progress towards reforming the EU's existing framework so as to ensure a humane and efficient asylum policy. [...] <i>However, the Communication fails to propose</i> 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</p>	<p>April 2016,⁸ the Commission set out its options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for asylum seekers, to reinforce the Eurodac system, to achieve greater convergence in the EU asylum system, to prevent secondary movements within the European Union and to transform into an agency the European Asylum Support Office [...]. That Communication is in line with calls by the European Council on 18-19 February 2016⁹ 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.</p>	
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⁴ COM (2016) 197 final.

⁵ EUCO 19.02.2016, SN 1/16.

⁶ COM (2016) 197 final.

⁷ EUCO 19.02.2016, SN 1/16.

⁸ 7665/16.

⁹ EUCO 19.02.2016, ST 1/16.

	2016.		
<p>(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and harmonised.</p>	<p>Amendment 6</p> <p>(5) <i>A common Union policy on international protection should be based on a uniform status. To move towards a well-functioning CEAS [...], substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. At the same time, it is important not to overburden administratively the authorities of the Member States. Accordingly, rules [...] should be strengthened to ensure that protection is granted to those who need it [...]. While acknowledging the legal differences between refugee status and subsidiary protection status, a harmonised duration for residence permits should be established, which should take full account of the current best practice in the Member States. In order to ensure that equal high standards of protection are achieved in all Member States, [...] the rights granted to beneficiaries of international</i></p>	<p>(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems with special regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, [...] the rights granted to beneficiaries of international protection should be further clarified and harmonised.</p>	

	protection should be further clarified and harmonised.		
(6) A Regulation is therefore necessary to ensure a more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.	Amendment 7 (6) A Regulation is therefore necessary to ensure a <i>faster and</i> more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.	(6) A Regulation is therefore necessary to ensure a more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.	
(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.	Amendment 8 (7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available <i>to refugees and beneficiaries of subsidiary protection</i> in all Member States.	(7) The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for those persons in all Member States.	
(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and	Amendment 9 (8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and	(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and	

<p>beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.</p>	<p>beneficiaries of international protection between Member States.[...]</p>	<p>beneficiaries of international protection between Member States, where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.</p>	
<p>(9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify for the refugee status or the subsidiary protection status. These statuses, if issued, are to be issued in a way not to entail a risk of confusion with international protection.</p>	<p>Amendment 10 (9) This Regulation does not apply to other national humanitarian statuses granted by Member States under their national law to those who do not qualify for the refugee status or the subsidiary protection status.[...]</p>	<p>(9) [...].</p>	<p><i>Presidency suggests the following possible compromise text:</i></p> <p>(9) [...] Provided they qualify, third country nationals and stateless persons who fall under the scope of this Regulation should be granted international protection. If a person falls outside the scope of this Regulation, national humanitarian statuses may be issued. These statuses, if issued, should not entail a risk of confusion with international protection.</p> <p><i>Agreement at the 12/12 trilogue</i></p>
<p>(10) Successful resettlement candidates should be granted international protection.</p>	<p>Amendment 11 (10) Successful resettlement candidates should be granted international protection.</p>	<p>[(10) Successful resettlement candidates should be granted international protection.</p>	

<p>Accordingly, the provisions of this Regulation on the content of international protection should apply, including the rules to discourage secondary movement.</p>	<p>Accordingly, the provisions of this Regulation on the content of international protection should apply.[...]</p>	<p>Accordingly, the provisions of this Regulation on the content of international protection should apply, including the rules to discourage secondary movement.]</p>	
<p>(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.</p>	<p>Amendment 12</p> <p>(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter), <i>the European Convention on Human Rights (the ECHR) and the European Social Charter</i>. In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, <i>protection in the event of removal, expulsion or extradition, equality before the law</i>, non-discrimination,</p>	<p>(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.</p>	

	rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.		
		(11a) Pursuant to Article 78(1) TFEU all national authorities are required to comply with the principle of non-refoulement set out in Article 33 of the Geneva Convention and developed in the case law of the Court of Justice of the European Union (CJEU). When refouling a person, the competent authorities should respect the Charter of Fundamental Rights, in particular Articles 4 and 19(2) thereof.	
(12) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party, including in particular those that prohibit discrimination.		(12) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party, including in particular those that prohibit discrimination.	<i>Agreement</i>
(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member	Amendment 13 (13) The resources of the Asylum, Migration and [...] Integration Fund should be used to provide adequate support to	(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member	

<p>States' efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation.</p>	<p>Member States' efforts in implementing the high standards set by the Regulation, [...] with priority to those Member States [...] that are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation. While the general principle of the prohibition of double funding should be respected, Member States should take full advantage, at all levels of governance, of the possibilities offered by funds which are not directly related to asylum and migration policy but which can be used to fund actions in that area, for example integration actions, such as the funds available under the European Social Fund, the Fund for European Aid to the Most Deprived, Horizon 2020, the European Regional Development Fund, and the Rights, Equality and Citizenship Programme. Those funds should be made directly accessible to local and regional authorities for actions that fall directly under their responsibilities.</p>	<p>States' efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation.</p>	
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<p>(14) The European Union Agency for Asylum should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the European Union Agency for Asylum [the Agency]. When assessing applications for international protection, Member States' authorities should take particular account of the information, reports, common analysis and guidance on the situation in countries of origin</p>	<p>Amendment 14</p> <p>(14) The [...] Agency [...] should provide adequate support in the application of this Regulation, in particular by providing experts to assist the Member State authorities to receive, register, and examine applications for international protection, providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, indicative guidelines, and best practices developed by the [...] Agency [...]. When assessing applications for international protection, Member States' authorities should take [...] <i>into</i> account the information, reports, common analysis and guidance on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin</p>	<p>[(14) The European Union Agency for Asylum ('the Agency') established by Regulation (EU) XXX/XX [Agency Regulation]) should provide adequate support in the application of this Regulation, in particular by providing, upon the request or with the agreement of the Member State concerned, experts to assist the Member State authorities to receive, register, and, where requested by the host Member State, examine applications for international protection, and by providing updated information regarding third countries, including Country of Origin Information, and other relevant guidelines and tools. When applying this Regulation, Member States' authorities should take into account operational standards, [...] guidelines, and best practices developed by the Agency [...]. When assessing applications for international protection, Member</p>	
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<p>developed at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation¹⁰</p>	<p>information in accordance with Articles 8 and 10 of Regulation¹¹. <i>In addition, when assessing applications for international protection, Member States' authorities should take into account all relevant information from the UNHCR and from relevant civil society organisations.</i></p>	<p>States' authorities should take [...] account of the information, reports, common analysis and guidance notes on the situation in countries of origin developed at Union level by the Agency and the European networks on country of origin information in accordance with [...] Regulation (EU) XXX/XX [Regulation on the European Union Agency for Asylum]¹².</p>	
<p>(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.</p>	<p>Amendment 15 (15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, <i>the minor's cultural origin and linguistic skills</i>, safety and security considerations and the views of the minor in accordance</p>	<p>(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.</p>	

¹⁰ COM(2016)271 final.

¹¹ COM(2016)271 final.

¹² 8742/16 + ADD 1.

	with his or her age and maturity. <i>Children applicants then turning 18 before a decision on their application is taken would thus still benefit from family unity.</i>		
(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State.	Amendment 16 (16) The notion of family members should take into account <i>family diversity</i> , the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. It should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The notion should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State, <i>excluding, in all cases, forced marriages. The notion of spouse and unmarried partner should not distinguish the spouses or such partners on the basis of their gender.</i>	(16) The notion of family members should take into account the different particular circumstances of dependency and the special attention to be paid to the best interests of the child. [...]	<i>Possible compromise text:</i> <u>(16) The notion of family members should take into account the different particular circumstances of dependency on the beneficiary due to reasons such as serious illness or severe disability [...]. [...]</u>
		(16a) The provisions on family unity in this Regulation do not interfere with the values and	

		<p>principles recognised by the Member States. In the event of a polygamous marriage, it is for the Member States to decide whether they wish to apply the provisions on family unity to polygamous households, including minor children of a further spouse and the beneficiary of international protection.</p>	
		<p>(16b) The application of the provisions on family unity should always be based on the principle of genuine family life. In order not to discriminate family members on the basis of where the family was formed, the notion of family should also include those formed outside the country of origin, but before their arrival on the territory of the European Union.</p>	<p><i>Possible compromise text (linked to Art. 25 (3a)):</i></p> <p><u>(16b) The application of the provisions on family unity should always be based on genuine family relations and should not include forced marriages and marriages or partnerships contracted for the sole purpose of enabling the person concerned to enter or reside in the Member States. In order not to discriminate family members on the basis of where the family was formed, the notion of family should also include those formed outside the</u></p>

			<u>country of origin, but before their arrival on the territory of the European Union.</u>
(17) This Regulation is without prejudice to the Protocol on asylum for nationals of Member States of the European Union as annexed to the Treaty on European Union (TEU) and the TFEU.		(17) This Regulation is without prejudice to the Protocol on asylum for nationals of Member States of the European Union as annexed to the Treaty on European Union (TEU) and the TFEU.	<i>Agreement</i>
(18) The recognition of refugee status is a declaratory act.		(18) The recognition of refugee status is a declaratory act.	<i>Agreement</i>
(19) Consultations with the United Nations High Commissioner for Refugees may provide valuable guidance for Member States' authorities when determining refugee status according to Article 1 of the Geneva Convention.		(19) Consultations with the United Nations High Commissioner for Refugees may provide valuable guidance for Member States' authorities when determining refugee status according to Article 1 of the Geneva Convention.	<i>Agreement</i>
		(19a) When examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm and whether parties or organisations, including international organisations, control a State or a substantial part of its territory, and provide	

		<p>protection, as well as when assessing whether an applicant has access to protection against persecution or serious harm in another part of the country of origin other than his or her home area (internal protection alternative), the determining authority should take into account relevant general information and recommendations issued by the United Nations Commissioner for Refugees (UNHCR).</p>	
(20) Standards for the definition and content of refugee status should be laid down to guide the competent national bodies of Member States in the application of the Geneva Convention.		(20) Standards for the definition and content of refugee status should be laid down to guide the competent national bodies of Member States in the application of the Geneva Convention.	
(21) It is necessary to introduce common criteria for recognising applicants for asylum as refugees within the meaning of Article 1 of the Geneva Convention.		(21) It is necessary to introduce common criteria for recognising applicants for asylum as refugees within the meaning of Article 1 of the Geneva Convention.	
	<p>Amendment 17 <i>(21a) While the burden of proof rests, in principle, on the applicant to substantiate his or her application, the duty to ascertain and evaluate all the</i></p>		<p><i>Presidency suggests the following possible compromise text:</i> (21a) While the burden of proof rests, in principle, on the applicant, to substantiate his or her application, it is the duty of</p>

relevant facts is shared between the applicant and the determining authority. Where aspects of the applicant's statements are not supported by documentary or other evidence, he or she should be given the benefit of the doubt if he or she has made a genuine effort to substantiate his or her application and has submitted all relevant elements at his or her disposal, and his or her statements are found to be coherent and plausible.

the determining authority to ascertain and evaluate assess all the relevant facts in cooperation with the applicant is shared between the applicant and the determining authority. The applicant should be given the benefit of the doubt where one or more particular aspects of the applicant's statements are not supported by documentary or other evidence, provided that the applicant has made a genuine effort to substantiate the need for international protection, all relevant elements at the applicant's disposal have been submitted and a satisfactory explanation has been given regarding the lack of other relevant elements, the statements are found to be coherent and plausible, the general credibility has been established and the applicant has applied for international protection at the earliest possible time. The condition to apply at the earliest possible time should not be applied if the applicant demonstrates good reasons such as serious illness, trauma.

			<p><i>EP could accept the first part of the recital highlighted in yellow. However the second part depends on the outcome of discussions of Article 4(5).</i></p> <p><i>Recital (21a) needs further discussions in the Council.</i></p> <p><i>A new Recital (21b) is suggested, drafted on the basis of judgment C-148/13 to cater for EP concerns on late concealment, Art. 4(4) and 5(3):</i></p> <p>(21b) The determining authority should not conclude that the applicant lacks credibility merely because he or she did not rely on his or her declared sexual orientation on the first occasion he or she was given to set out the ground for persecution, unless it is evident that the applicant merely intends to delay or frustrate the enforcement of a decision resulting in his or her return.</p> <p><i>The EP proposes a separate Recital on concealment</i></p> <p>(21ba) Convictions, beliefs or</p>
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			<p><u>orientations of the applicant giving rise to activities which may be a basis for well-founded fear of being persecuted or a real risk of suffering serious harm should be taken into account even if they were fully or partially concealed while in the country of origin.</u></p> <p><i>If agreed the EP would accept the Council's text on paragraph 3 of Art. 10 and drop the last part of its AM 68 (Article 5 (3)) and of its AM 25 (Recital 29).</i></p>
			<p>(21c) Where the applicant is not available during the procedure due to circumstances beyond his or her control, the relevant provisions and safeguards in the Dublin Regulation, the Asylum Procedures Regulation and the recast Reception Conditions Directive apply.</p> <p><i>Agreement at the 12/12 trilogue.</i></p>
<p>(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, internal protection and persecution,</p>	<p>Amendment 18</p> <p>(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, [...] and persecution, including the</p>	<p>(22) In particular, it is necessary to introduce common concepts of protection needs arising sur place, sources of harm and protection, internal protection and persecution,</p>	

including the reasons for persecution.	reasons for persecution.	including the reasons for persecution.	
(23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, including international organisations, meeting the conditions set out in this Directive, which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.	Amendment 19 (23) Protection can be provided, where they are willing and able to offer protection, either by the State or by parties or organisations, mandated by the State , including international organisations, meet [...] the conditions set out in this [...] Regulation, and control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.	(23) [...] Where they are able and willing to offer protection, this can be provided either [...] by the State or by parties or organisations, including international organisations, meeting the conditions set out in this [...] Regulation , which control a region or a larger area within the territory of the State. Such protection should be effective and of a non-temporary nature.	
(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment the application for international protection and should be carried out once it has been established by the determining authority that the	Amendment 20 (24) Internal protection against persecution or serious harm [...] might be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. It should be possible for the form part of the assessment of the application for international protection [...], provided that the State or agents of the State are not	(24) Internal protection against persecution or serious harm should be effectively available to the applicant in a part of the country of origin where he or she can safely and legally travel to, gain admittance to and can reasonably be expected to settle. The assessment of whether such internal protection exists should be an inherent part of the assessment of the application for international protection and should be carried out once it has been established by the determining authority that the	<i>EP suggest the following text (the rest of the recital depends on the outcome of discussions on Art. 8):</i> [...] In those cases where the determining authority demonstrates that an internal protection alternative is available, the applicant should be entitled to present evidence and submit elements in relation to his or her personal circumstances which indicate that such an alternative is not applicable to him or her. <i>The compromise text suggested by</i>

<p>qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority.</p>	<p><i>the actors of persecution or serious harm. Notwithstanding the obligation of the applicant to cooperate during the procedure, the burden of demonstrating the availability of internal protection should exclusively fall on the determining authority. However, this should not preclude the applicant from presenting evidence to rebut any finding by the determining authority that internal protection is available.</i></p>	<p>qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection should fall on the determining authority. In those cases where the determining authority demonstrates that an internal protection alternative is available, it should take into account elements submitted by the applicant in relation to his or her personal circumstances which indicate that such an alternative is not applicable to him or her.</p>	<p><i>EP could be acceptable for the Council as currently drafted.</i></p> <p><i>Agreement on this part of the recital to be confirmed at the 18/04 trilogue.</i></p>
		<p>(24a) When considering whether an applicant can be reasonably expected to settle in another part of the country of origin, the determining authority should also take into account whether he or she would be able to cater for his or her own basic needs in relation to access to food, hygiene and shelter in the context of local circumstances in his or her country of origin, either independently or with the assistance of others such as family members or local organisations.</p>	

<p>(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant. When the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements, which are in the best interests of the unaccompanied minor, should form part of the assessment as to whether that protection is effectively available.</p>	<p>Amendment 21</p> <p>(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant [...] <i>and the provision relating to internal protection should not apply. The assessment of the best interests of the child should be a primary consideration of the relevant authorities when assessing the conditions for internal protection in the case of minors, including the availability of appropriate care and custodial arrangements [...] where the applicant is an unaccompanied minor [...].</i></p>	<p>(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant. When the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements, which are in the best interests of the unaccompanied minor, should form part of the assessment as to whether that protection is effectively available.</p>	<p><i>EP suggests the following compromise text:</i></p> <p>(25) Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant [...] and the provision relating to internal protection should not apply. Any decision not to provide international protection to a minor, whether accompanied or not, based on the availability of internal protection, should be preceded by a formal procedure to determine the best interests of the minor. The availability of appropriate care, custodial arrangements and durable solutions for his or her development should be part of the assessment of whether the protection is effectively guaranteed within the area where internal protection is presumed to exist.</p> <p><i>Further discussions are needed</i></p> <p><i>Possible compromise text by the Commission catering for AM 75:</i></p>
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			<p><i>Option a)</i></p> <p>Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant [...], unless the determining authority clearly established that there is a specific geographical area where the State or agents of the State cannot exercise their power.</p> <p><i>Option b) (closer to UNHCR notes)</i></p> <p>Where the State or agents of the State are the actors of persecution or serious harm, there should be a presumption that effective protection is not available to the applicant [...], unless the determining authority has clearly established that the risk of persecution stems from an authority of the State whose power is clearly limited to a specific geographical area or where the State itself only has control over certain parts of the country.</p> <p><i>Council needs to examine this further but there is a certain</i></p>
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			<i>preference for option (b).</i>
		(25a) When assessing the facts and circumstances in relation to an application for international protection, the determining authority should take due consideration of all the relevant elements, including whether an applicant has misled the competent authorities by presenting false information or documents or by withholding relevant information or documents with respect to the application which could have had a negative impact on the decision.	
		(25b) When assessing a sur place application, the fact that the risk of persecution or serious harm is based on circumstances that do not constitute an expression or continuation of convictions or orientations held in the country of origin could serve as an indication that the sole or main purpose of the applicant was to create the necessary conditions for applying for international protection.	
	Amendment 22		<i>EP suggests to merge Recital (26)</i>

<p>(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities should have regard to child-specific forms of persecution.</p>	<p>(26) It is necessary, when assessing applications from minors for international protection, that the determining authorities [...] have regard to child-specific forms <i>of persecution, trafficking and exploitation of any kind, or to the absence of protection against such acts</i> of persecution.</p>	<p>(26) [...] When assessing applications from minors for international protection, [...] the determining authorities should have regard to child-specific forms of persecution.</p>	<p><i>and AM 83, and if accepted, AM 83 in Art. 9 (2) (f) would be dropped</i></p> <p><i>Compromise proposal:</i></p> <p><u>(26) Acts of persecution might include acts of a gender-specific or child-specific nature such as under-age recruitment, genital mutilation, forced marriage, child trafficking and child labour, and domestic violence, trafficking for sexual exploitation, and violations of economic, social and cultural rights</u> It is necessary, when assessing applications from minors for international protection, that the determining authorities have regard to child-specific forms <u>of persecution, trafficking and exploitation of any kind, or to the absence of protection against such acts</u> of persecution.</p>
			<p><i>Compromise proposal for a recital to cater for AM 82 and delete it from art. 9 (2)(e):</i></p> <p><u>(26a) Acts of persecution might take the form of disproportionate or discriminatory prosecution or</u></p>

			<u>punishment. Such disproportionate or discriminatory prosecution or punishment might arise in situations where an applicant refuses to perform military service on moral, religious or political grounds or due to belonging to a particular ethnic group or holding a particular citizenship.</u>
(27) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion, nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.	Amendment 23 (27) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion <i>or belief</i> , nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.	(27) One of the conditions for qualification for refugee status within the meaning of Article 1(A) of the Geneva Convention is the existence of a causal link between the reasons for persecution, namely race, religion, nationality, political opinion or membership of a particular social group, and the acts of persecution or the absence of protection against such acts.	
(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including	Amendment 24 (28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including	(28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of defining a particular social group, issues arising from an applicant’s gender, including	<i>Presidency suggests the following possible compromise text:</i> (28) It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purposes of

<p>gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution.</p>	<p>including gender identity, <i>gender expression, sex characteristics</i> and sexual orientation, <i>and the fact of having been a victim of trafficking for sexual exploitation</i>, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution. <i>The applicant's well-founded fear of persecution can arise from the perception that he or she belongs to a particular social group.</i></p>	<p>gender identity and sexual orientation, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution.</p>	<p>defining a particular social group, issues arising from an applicant's sexual orientation or gender, including gender identity and gender expression, which may be related to certain legal traditions and customs, resulting in for example genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of persecution.</p> <p><i>EP suggests to add the following text (the last sentence of AM 24 could be deleted if "or" is retained for Art. 10(1)(d)(AM 85)):</i></p> <p>In the same way, disability may be a defining characteristic for the purpose of defining a particular social group.</p> <p><i>Examples of case-law where disability is a defining characteristic for particular social group were provided at the trilogue on 30/11. There could be provisional agreement on this text, if the refugee definition in Art. 2 (3) stays the same as in the Council/COM text.</i></p>
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			<i>Further discussions and examples from the EP are needed on the issue of disability.</i>
		(28a) The circumstances in the country of origin, including for example the existence and application of criminal laws which specifically target lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, can mean that those persons are to be regarded as forming a particular social group.	
(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards homosexuality, the individual assessment of the applicant's credibility should not be based on	Amendment 25 (29) In accordance with relevant case law of the Court of Justice of the European Union and the <i>European Court of Human Rights</i> , when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter and the <i>European Convention for the Protection of Human Rights and Fundamental Freedoms</i> , in particular the right to human	(29) [...]When assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards LGBTI persons , [...] the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.	

<p>stereotyped notions concerning homosexuals and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.</p>	<p>dignity and the respect for private and family life. Specifically as regards <i>sexual orientation and gender identity</i>, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning <i>sexual orientation and gender identity</i> and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices. <i>Moreover, the competent national authorities should not consider that the applicant's statements lack credibility on the sole ground that the applicant did not rely on his or her sexual orientation, gender identity, gender expression or sex characteristics when he or she first set out the details of his or her persecution.</i></p>		
<p>(30) Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that 'acts,</p>	<p>Amendment 26 (30) Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that 'acts,</p>	<p>(30) Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that 'acts,</p>	

<p>methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’.</p>	<p>methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’. <i>Membership of a terrorist group or participation in the activities of a terrorist group is also contrary to the purposes and principles of the United Nations.</i></p>	<p>methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’.</p>	
		<p>(30a) For the purposes of applying the provisions on exclusion from international protection where there are reasonable grounds to assume that an applicant has committed an act contrary to the purposes and principles of the United Nations set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, it is not a prerequisite to establish that the applicant has been convicted of one of the terrorist offences referred to in Article 1(1) of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism.</p>	<p><i>The EP could agree with the three recitals (30a)(30b)(30c) if Council agrees to deletion of paragraphs 5 and 6 of Article 12. In addition, EP is willing to drop its amendment to the last sentence of recital (30) in the context of this same agreement.</i></p> <p><i>Further discussions are needed</i></p>

		<p>(30b) Furthermore, for the purposes of applying the provisions on exclusion from international protection to an applicant for having committed acts constituting participation in the activities of a terrorist group, the fact that it is not established that the applicant committed, attempted to commit or threatened to commit a terrorist act as defined in the resolutions of the United Nations Security Council does not preclude the conduct of the applicant from being regarded as contrary to the purposes and principles of the United Nations.</p>	<p><i>The EP could agree with the three recitals (30a)(30b)(30c) if Council agrees to deletion of paragraphs 5 and 6 of Article 12. In addition, EP is willing to drop its amendment to the last sentence of recital (30) in the context of this same agreement.</i></p> <p><i>Further discussions are needed</i></p>
		<p>(30c) For the purposes of the individual assessment of the facts that may constitute serious reasons for considering that the applicant has been guilty of acts contrary to the purposes and principles of the United Nations, has instigated such acts or has otherwise participated in such acts, the fact that the applicant was convicted, by the courts of a Member State, on a charge of participation in the activities of a terrorist group is of particular</p>	<p><i>The EP could agree with the three recitals (30a)(30b)(30c) if Council agrees to deletion of paragraphs 5 and 6 of Article 12. In addition, EP is willing to drop its amendment to the last sentence of recital (30) in the context of this same agreement.</i></p> <p><i>Further discussions are needed</i></p>

		importance, as is a finding of a Court or tribunal that the applicant was a member of the leadership of that group, and there is no need to establish that that person himself or herself instigated a terrorist act or otherwise participated in it.	
(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore can give rise to exclusion from refugee status.	Amendment 27 (31) Committing a political crime is not in principle a ground justifying exclusion from [...] international protection. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore can give rise to exclusion from [...] international protection.	(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, [...], particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence [...], even if committed with a purportedly political objective, should be regarded as serious non-political crimes and therefore can give rise to exclusion from refugee status.	<i>The co-legislators will come back at technical level to the qualification of a terrorist act in the light of B&D and of Lounani judgments.</i>
	Amendment 28 <i>(31a) The recognition of subsidiary protection status is a</i>		

	<i>declaratory act.</i>		
(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention.	Amendment 29 (32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention. <i>While the grounds for protection differs between refugee and subsidiary protection, the ongoing need for protection may be similar in duration.</i>	(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in the Geneva Convention. The content of protection of refugee status and subsidiary protection status might only differ where explicitly stated in the regulatory part of this Regulation. This Regulation nevertheless allows Member States to grant the same rights and benefits to both statuses.	
(33) It is necessary to introduce common criteria on the basis of which applicants for international protection are to be recognised as eligible for subsidiary protection. Those criteria should be drawn from international obligations under human rights instruments and practices existing in Member States.		(33) It is necessary to introduce common criteria on the basis of which applicants for international protection are to be recognised as [...] beneficiaries of subsidiary protection. Those criteria should be drawn from international obligations under human rights instruments and practices existing in Member States.	<i>Agreement</i>
(34) For the purpose of assessing	Amendment 30 (34) For the purpose of	(34) For the purpose of assessing	

<p>serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice, should include violence that may extend to people irrespective of their personal circumstance.</p>	<p>assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice <i>and the European Court of Human Rights</i>, should include violence that may extend to people irrespective of their personal circumstance. <i>Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign domination, internal conflicts, severe violations of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.</i></p>	<p>serious harm which may qualify applicants as persons eligible for subsidiary protection, the notion of indiscriminate violence, [...]implies that this violence[...] extends to people irrespective of their personal circumstances.</p>	
<p>(35) In accordance with relevant case law of the Court of Justice of the European Union¹³, for the purpose of assessing serious harm, situations in which a third country's armed forces confront one or more armed groups, or in which two or more armed groups confront each other, should be</p>		<p>(35) [...]For the purpose of assessing serious harm, situations in which a third country's armed forces confront one or more armed groups, or in which two or more armed groups confront each other, should be considered an internal armed conflict. It is not necessary for that conflict to be categorised as</p>	

¹³ C-285/12.

<p>considered an internal armed conflict. It is not necessary for that conflict to be categorised as an ‘armed conflict not of an international character’ under international humanitarian law; nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.</p>		<p>an ‘armed conflict not of an international character’ under international humanitarian law; nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.</p>	
<p>(36) As regards the required proof in relation to the existence of a serious and individual threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union¹⁴, determining authorities should not require the applicant to adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances. However, the level</p>	<p>Amendment 31 (36) As regards the required proof in relation to the existence of a serious threat to the life or person of an applicant, in accordance with relevant case law of the Court of Justice of the European Union¹⁵ [...] <i>and the European Court of Human Rights, the required level of harm needs not be equivalent to torture or inhuman or degrading treatment or punishment.</i> However, the level</p>	<p>(36) As regards the required proof in relation to the existence of a serious and individual threat to [...] a civilian's life or person [...], [...] determining authorities should not require the applicant to adduce evidence that he is specifically targeted by [...] factors[...]related to his personal circumstances. However, the level of indiscriminate violence required to substantiate the application is lower</p>	

¹⁴ C-465/07.

¹⁵ C-465/07.

<p>of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious and individual threat should exceptionally be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country or origin or to the relevant part of country of origin, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to the serious threat.</p>	<p>of indiscriminate violence required to substantiate the application is lower if the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstance. Moreover, the existence of a serious [...] threat should [...] be established by the determining authorities solely on account of the presence of the applicant on the territory or relevant part of the territory of the country of origin provided the degree of indiscriminate violence characterising the armed conflict taking place reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country <i>of</i> origin or to the relevant part of country of origin, would, solely on account of his <i>or her</i> presence on the territory of that country or region, face a real risk of being subject to the serious threat.</p>	<p>if the applicant is able to show that he is specifically affected due to [...] factors related[...] to his personal circumstances. Moreover, the existence of a serious and individual threat should exceptionally considered to be established by the determining authority [...] where the degree of indiscriminate violence characterising the armed conflict reaches such a high level that there are substantial grounds for believing that a civilian, returned to the country [...] of origin or to the relevant part of country of origin, would, solely on account of his presence there [...], face a real risk of being subject to the serious threat.</p>	
		<p>(36a) Depending on the circumstances, including the length and purpose of the stay, travel to the country of origin could serve as an indication that a beneficiary of refugee status</p>	

		has re-availed himself or herself of the protection of the country of origin or re-established himself or herself in his or her country of origin, or that the grounds for granting subsidiary protection status have ceased to exist.	
(37) The residence permit and the travel documents issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.	Amendment 32 (37) The residence permit and the travel documents issued to beneficiaries of international protection [...] following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.	(37) The [...] travel documents issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Regulation should comply with Regulation (EC) No 2252/2004 or with the equivalent [...] minimum security features and biometrics [...].	
		(37a) The residence permit issued to beneficiaries of international protection for the first time or renewed following the entry into force of this Regulation should comply with the Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.	
		(37b) In order to achieve a higher level of convergence among Member States, the	

		<p>validity periods of residence permits issued upon granting international protection should be as much as possible harmonized. To this end the initial duration of residence permits should be set out in national law and should be between 1-5 years for beneficiaries of subsidiary protection status, and between 3-10 years for beneficiaries of refugee status. Residence permits can thereafter be renewed in accordance with national law, and can include renewal for an unlimited period. In any case, the validity period of the residence permit granted to a beneficiary of refugee status should not be shorter than the validity period of the residence permit granted to a beneficiary of subsidiary protection.</p>	
		<p>(37c) In the period between the granting of international protection and the issuance of a residence permit, Member States should ensure that a beneficiary of international protection has effective access to rights related to information, free movement</p>	<p><i>The EP proposes the following compromise, adding a sentence in the end of the Council's text:</i></p> <p>(37c) In the period between the granting of international protection and the issuance of a</p>

		<p>within the Member State that granted him or her protection, employment and access to appropriate integration measures, and equal treatment as regards education, recognition of qualifications and validation of skills, social security, social assistance, health care and access to accommodation.</p>	<p>residence permit, Member States should ensure that a beneficiary of international protection has effective access to rights related to information, free movement within the Member State that granted him or her protection, employment and access to appropriate integration measures, and equal treatment as regards education, recognition of qualifications and validation of skills, social security, social assistance, health care and access to accommodation. Such rights should therefore be accessible on the basis of the final decision of the determining authority to grant international protection.</p> <p><i>Council prefers keeping all these elements in a recital; the drafting needs to be further clarified</i></p>
<p>(38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for international protection.</p>	<p>Amendment 33 (38) Family members, due to their close relationship to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for international protection.</p>	<p>(38) Family members, due to their close relationship to the [...] beneficiary of international protection, will normally be vulnerable to acts of persecution or serious harm in such a manner that</p>	

<p>Provided they do not qualify for international protection, for the purpose of maintaining family unity, they shall be entitled to claim a residence permit and the same rights accorded to beneficiaries of international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.</p>	<p>Provided they do not qualify for international protection, for the purpose of maintaining family unity, [...] <i>family members, including siblings, who are present in the same Member State in relation to the application for international protection</i>, shall be entitled to claim a residence permit and the same rights accorded to beneficiaries of international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in accordance with that Directive. This Regulation shall be applied without prejudice to Directive 2004/38/EC.</p>	<p>could be the basis for international protection. For the purpose of maintaining family unity, where family members present on the territory of the same Member State as the applicant in relation to his or her application for international protection do not qualify for international protection, [...] they [...] should be entitled to apply for [...]a residence permit, which shall be granted, unless the family member falls within the exclusion grounds or where reasons of national security or public order so require, and to the [...] rights accorded to [...] the beneficiary once he or she is granted international protection. Without prejudice to the provisions related to maintaining family unity in this Regulation, where the situation falls within the scope of Directive 2003/86/EC on the right to family reunification and the conditions for reunification set out thereof are fulfilled, family members of the beneficiary of international protection who do not individually qualify for such protection should be granted residence permits and rights in</p>	
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		accordance with that Directive. This Regulation [...] should be applied without prejudice to Directive 2004/38/EC.	
(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation ¹⁶ .	Amendment 34 (39) With a view to ascertaining whether beneficiaries of international protection are still in need of [...] protection, determining authorities should, <i>in particular,</i> review the granted status [...] when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation ¹⁷ .	(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities should review the granted status [...] when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with [...] Regulation (EU) XXX/XX [Regulation on the European Union Agency for Asylum] ¹⁸ . The determining authority retains the possibility to review the status on the basis of national and international sources, or on other grounds as	

¹⁶ COM(2016)271 final.

¹⁷ COM(2016)271 final.

¹⁸ 8742/16 + ADD 1.

		<p>deemed appropriate such as the end of validity of the residence permit, new information related to the person, the need to remedy shortcomings of the examination of the application for international protection or, depending on the circumstances, travel back to the country of origin.</p>	
<p>(40) When assessing a change of circumstances in the third country concerned, the competent authorities of the Member States shall verify, having regard to the refugee's individual situation, that the actor or actors of protection in that country have taken reasonable steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection if the refugee status ceases to exist.</p>	<p>Amendment 35</p> <p>(40) When assessing a change of circumstances in the third country concerned, the competent authorities of the Member States shall verify, having regard to the [...] individual situation <i>of the beneficiary of international protection</i>, that the actor or actors of protection in that country have taken [...] <i>necessary</i> steps to prevent the persecution, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution and that the national concerned will have access to such protection, <i>can safely gain admittance to the country and can reasonably be expected to settle there</i> if the refugee status ceases to</p>	<p>(40) When assessing a change of circumstances in the third country concerned, the competent authorities of the Member States [...] should verify, having regard to the [...] individual situation of a beneficiary of international protection, that the actor or actors of protection in that country have taken reasonable steps to prevent the persecution or serious harm, that they therefore operate, inter alia, an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm and that the national concerned will have access to such protection if the refugee status or the subsidiary protection status</p>	

	exist.	ceases to exist.	
		(40a) When assessing whether the grounds on which the refugee status or the subsidiary protection status have ceased to exist, the determining authority should take into account relevant information and recommendations issued by the UNHCR.	
(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.	Amendment 36 (41) When the [...] status <i>of the beneficiary of international protection</i> [...] ceases to exist, the application of the decision by which the determining authority of a Member State [...] <i>withdraws</i> the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.	(41) When the refugee status or the subsidiary protection status ceases to exist, [...] the decision by [...] the determining authority of a Member State [...] to withdraw the status [...] is [...]without prejudice to the possibility for the third-country national or stateless person concerned [...] to apply for residence on the basis of other grounds than those having justified the granting of international protection, or to continue to remain legally on the territory of that Member State on other grounds, in particular when holding a valid EU long-term residence permit, [...] in accordance with relevant Union and national law.	<i>Possible compromise text catering for AM 140:</i> (41) When the status of the beneficiary of international protection ceases to exist, the application of the decision by which the determining authority of a Member State withdraws the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, reasons related to employment or to education, or to continue to remain legally on

			<p>the territory of that Member State on other grounds, in particular when holding a valid EU long-term residence permit, in accordance with relevant Union and national law.</p> <p><i>Council cannot agree with the first part, the second part could be acceptable if clarified further.</i></p>
		<p>(41a) The decision to end the international protection status, should not have a retroactive effect (<i>ex nunc</i>), whereas a decision to revoke the international protection status should have a retroactive effect (<i>ex tunc</i>). When a decision is based on a cessation ground, it should not have a retroactive effect. In case of revocation, acquired rights could be retained or lost in accordance with national law.</p>	
		<p>(41b) Beneficiaries of international protection should enjoy freedom of movement within the territory of the Member State that granted them international protection, under the same conditions and restrictions as those provided for</p>	

		<p>other third country nationals legally resident in its territory who are in a comparable situation. This right for beneficiaries of international protection to freedom of movement within the territory of the Member State concerned does not entail an obligation for the Member States to arrange for accommodation.</p>	
	<p>Amendment 37</p> <p><i>(41a) The principle of the benefit of the doubt reflects the recognition of the considerable difficulties that applicants face in obtaining and providing evidence to support their claim. The general legal principle is that the burden of proof lies with the applicant for international protection and that the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the determining authority. However, the applicant should be given the benefit of the doubt where aspects of his or her statements are not supported by documentary or other evidence, where he or she has made a genuine effort to substantiate his</i></p>		

	<i>or her application and has submitted all relevant elements at his or her disposal, and where his or her statements are found to be coherent and plausible.</i>		
(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code ¹⁹ and with Article 21 of the Convention implementing the Schengen Agreement ²⁰ . Beneficiaries of	Amendment 38 (42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, [...] <i>within the authorised period of stay</i> in accordance with Schengen Borders Code ²² and with Article 21 of the Convention implementing the Schengen Agreement ²³ . Beneficiaries of international	(42) Beneficiaries of international protection should reside in the Member State which granted them protection. Those beneficiaries who are in possession of a valid travel document and a residence permit issued by a Member State applying the Schengen acquis in full, should be allowed to enter into and move freely within the territory of the Member States applying the Schengen acquis in full, for a period up to 90 days in any 180-day period in accordance with Schengen Borders Code ²⁵ and with Article 21 of the Convention implementing the Schengen Agreement ²⁶ . Beneficiaries of	

¹⁹ Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.

²⁰ Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

²² Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.

²³ Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

<p>international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment²¹ and national rules; however, this does not imply any transfer of the international protection and related rights.</p>	<p>protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant EU rules, notably on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment²⁴ and national rules; however, this does not imply any transfer of the international protection and related rights.</p>	<p>international protection can equally apply to reside in a Member State other than the Member State which granted protection, in accordance with relevant [...] Union rules, [...] and national rules; however, this does not imply any transfer of the international protection and related rights.</p>	
<p>(43) In order to prevent secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the</p>	<p>Amendment 39 (43) [...] <i>Beneficiaries</i> of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation²⁸. <i>Unaccompanied</i></p>	<p>[(43) In order to [...] address secondary movements within the [...] Union, beneficiaries of international protection, if found in a Member State other than the [...] one having granted them protection without fulfilling the conditions of stay or residence, should be taken back by the Member State responsible in accordance with the</p>	

²⁵ Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders.
²⁶ Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.
²¹ COM (2016) 378 final.
²⁴ COM (2016) 378 final.

<p>procedure laid down by Regulation²⁷</p>	<p><i>minors who are beneficiaries of international protection should only be taken back by the Member State responsible in accordance with the procedure laid down by Regulation [Dublin Regulation].</i></p>	<p>procedure laid down by Regulation (EU) [xxx/xxxx Dublin Regulation].²⁹</p>	
<p>(44) In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.</p>	<p>Amendment 40 (44) <i>To encourage</i> [...] beneficiaries of international protection [...] <i>to remain in the</i> Member State [...] that granted <i>them such</i> [...] protection, [...] <i>the duration of residence permits granted to them should be harmonised for an appropriate period of time.</i></p>	<p>(44) In order to discourage secondary movements within the [...] Union, [...] Council Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the EU long term resident [...]status should [...] in principle be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union, [...] national or international law.</p>	
<p>(45) The notion of national security and public order also</p>	<p>Amendment 41 (45) The notion of national security and public order [...]</p>	<p>(45) Subject to individual assessment of the specific facts,</p>	

²⁸ (EU)No [xxx/xxxx New Dublin Regulation].
²⁷ (EU) No [xxx/xxxx New Dublin Regulation].
²⁹ [...]

<p>covers cases in which a third-country national belongs to an association which supports international terrorism or supports such an association.</p>	<p>covers cases in which a third-country national belongs to an association which supports international terrorism. [...] <i>The notion of particularly serious crime includes offences such as participation in a criminal organisation, terrorism, trafficking in human beings, sexual exploitation of children, murder, grievous bodily injury, illicit trafficking in weapons, munitions and explosives, corruption, rape, and crimes within the jurisdiction of the International Criminal Court.</i></p>	<p>the notion of national security and public order also covers cases in which a third-country national belongs to an association which supports international terrorism or supports such an association.</p>	
		<p>(45a) Member State authorities retain a certain discretion with regard to the notions of public order and national security, which should be interpreted in accordance with Union, international and national law. Since national security encompasses both internal and external security, in order to assess whether a third country national or stateless person poses a risk to its national security, Member State authorities are entitled to take account of information received from other</p>	

		Member States or third countries.	
(46) When deciding on entitlements to the benefits included in this Regulation, the competent authorities should take due account of the best interests of the child, as well as of the particular circumstances of the dependency on the beneficiary of international protection of close relatives who are already present in the Member State and who are not family members of that beneficiary. In exceptional circumstances, where the close relative of the beneficiary of international protection is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.		(46) When deciding on entitlements to the benefits included in this Regulation, the competent authorities should take due account of the best interests of the child, as well as of the particular circumstances of the dependency on the beneficiary of international protection of close relatives who are already present in the Member State and who are not family members of that beneficiary. In exceptional circumstances, where the close relative of the beneficiary of international protection is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.	
(47) Within the limits set out by international obligations, the granting of benefits with regard to access to employment and social security requires the prior issuing of a residence permit.	Amendment 42 [...] <i>deleted</i>	(47) [...]	
(48) Competent authorities may restrict the access to employed or	Amendment 43 (48) Competent authorities may restrict the access to employed or	(48) [...] Member States may restrict the access to employed or	

<p>self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law</p>	<p>self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. [...]</p>	<p>self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. In the context of exercising their right to equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.</p>	
<p>(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition</p>	<p>Amendment 44 (49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition</p>	<p>(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities and vocational training and access to recognition</p>	

<p>procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.</p>	<p>and authentication procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.</p>	<p>procedures for foreign diplomas, certificates and other evidence of formal qualifications in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.</p>	
		<p>(49a) Access to the education system does not necessarily need to include the financial benefits granted by Member States to promote education.</p>	<p><i>In the light of new text in Article 31, agreement to delete Recital (49a) to be confirmed at the 18/04 trilogue</i></p>
	<p>Amendment 45 <i>(49a) In light of the fact that integration is a two-way process, respect for the values upon which the Union is founded and respect for the fundamental rights of the beneficiaries of international protection should be an integral part of the integration process. Integration should promote inclusion, rather than isolation, and the participation of all actors involved is crucial for its success. Member States, acting at national, regional and local level, should offer beneficiaries of international protection support and opportunities to integrate and</i></p>		

	<i>build a life in their new society, which should include accommodation, literacy and language courses, inter-cultural dialogue, education and professional training, as well as effective access to democratic structures in society.</i>		
(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security.		(50) Equal treatment should be provided for beneficiaries of international protection with nationals of the Member State granting protection as regards social security.	<i>Agreement</i>
(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection, Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national	Amendment 46 (51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. [...] <i>While the basis of protection may result in a different status determination, there is no difference in the material needs of the individual protected.</i> In order to facilitate their integration, Member States should be given the possibility to make the access to certain [...] <i>types</i> of social assistances specified in national	(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection with social assistance without discrimination. However, as regards beneficiaries of subsidiary protection status , Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals	

law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.	law, conditional on the effective participation of the beneficiary of international protection in integration measures.	under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both beneficiaries of refugee status and beneficiaries of subsidiary protection status , conditional on the effective participation of the beneficiary of international protection in integration measures.	
(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.	Amendment 47 (52) Access to healthcare, including both physical and mental healthcare, <i>as well as sexual and reproductive healthcare</i> , should be ensured to beneficiaries of international protection.	(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.	
	Amendment 48 <i>(52a) Beneficiaries of international protection should enjoy access to goods and services and to the supply of goods and services made available to the public, including information and counselling services provided by employment offices.</i>		
(53) In order to facilitate the	Amendment 49 (53) In order to facilitate the	(53) In order to facilitate the	

<p>integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.</p>	<p>integration of beneficiaries of international protection into society, beneficiaries of international protection [...] should have access to integration measures, in modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory, <i>provided that those integration measures are easily accessible, available and free of charge and that they take into account the special needs of beneficiaries of international protection, including childcare.</i></p>	<p>integration of beneficiaries of international protection into society, beneficiaries of international protection [...] should have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.</p>	
<p>(54) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.</p>		<p>(54) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.</p>	<p><i>Agreement</i></p>
<p>(55) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the form and content of the information to be provided, implementing powers should be</p>	<p>Amendment 50 (55) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the form and content of the information to be provided [...] <i>to the beneficiaries of</i></p>	<p>(55) [...]</p>	

<p>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 of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers³⁰.</p>	<p><i>international protection on the rights and obligations related to their status, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</i></p>		
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³⁰ OJ L 55, 28.2.2011, p. 13.

<p>(56) Since the objectives of this Regulation, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives</p>		<p>(56) Since the objectives of this Regulation, namely to establish standards for the granting of international protection to third-country nationals and stateless persons by Member States, for a uniform status for refugees or for persons eligible for subsidiary protection[...] and for the content of the protection granted, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p><i>Agreement</i></p>
<p>(57) [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</p>		<p>(57) [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</p>	<p><i>Agreement</i></p>

take part in the adoption and application of this Regulation]		take part in the adoption and application of this Regulation.	
OR		OR	
<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>		<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>	Agreement
OR		OR	
<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</i>		<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</i>	Agreement

<i>its application.</i>		<i>its application.</i>	
<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>		<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>	<i>Agreement</i>
OR		OR	
<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>		<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>	<i>Agreement</i>
<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,</i>		<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,</i>	<i>Agreement</i>

<p><i>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>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>(58) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,</p>		<p>(58) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,]</p>	<p><i>Agreement</i></p>
<p>HAVE ADOPTED THIS REGULATION:</p>		<p>HAVE ADOPTED THIS REGULATION:</p>	<p><i>Agreement</i></p>

CHAPTER I		CHAPTER I	
GENERAL PROVISIONS		GENERAL PROVISIONS	
<i>Article 1</i> <i>Subject matter</i>		<i>Article 1</i> <i>Subject matter</i>	
This Regulation lays down standards for:		This Regulation lays down standards for:	<i>Agreement</i>
(a) the qualification of third-country nationals or stateless persons as beneficiaries of international protection;		(a) the qualification of third-country nationals or stateless persons as beneficiaries of international protection;	<i>Agreement</i>
(b) a uniform status for refugees or for persons eligible for subsidiary protection;		(b) a uniform status for refugees or for persons eligible for subsidiary protection;	<i>Agreement</i>
(c) the content of the international protection granted.		(c) the content of the international protection granted.	<i>Agreement</i>

		<p><u>Article 1a</u><i>[ex-Article 3 modified]</i> <u>Material scope</u></p>	
		<p>1. This Regulation applies to the qualification of third-country nationals or stateless persons as beneficiaries of international protection and to the content of the international protection granted.</p>	<p><i>Same text as para (1) of former Article 3.</i></p> <p><i>Agreement on the movement of the former Article 3 to new Article 10 at the 12/12 trilogue</i></p>
		<p>2. National humanitarian statuses, if issued, shall be issued in such a way so as not to entail a risk of confusion with international protection.</p>	<p><i>Agreement on the movement of the article to new Article 1a at the 12/12 trilogue</i></p> <p><i>The EP suggests the following wording, consequential to Recital (9):</i></p> <p>2. This Regulation does not apply to national humanitarian statuses granted by Member States to third country nationals and stateless persons who do not fall under the scope of this Regulation. National humanitarian statuses, if issued, shall not entail a risk of confusion with international protection.</p> <p><i>Council can accept the text</i></p> <p><i>Agreement to be confirmed at the 18/04 trilogue</i></p>

<i>Article 2 Definitions</i>		<i>Article 2 Definitions</i>	
For the purposes of this Regulation the following definitions shall apply:		For the purposes of this Regulation, the following definitions shall apply:	<i>Agreement</i>
(1) ‘international protection’ means refugee status and subsidiary protection status as defined in points (4) and (6);		(1) ‘international protection’ means refugee status and subsidiary protection status as defined in points (4) and (6);	<i>Agreement</i>
(2) ‘beneficiary of international protection’ means a person who has been granted refugee status or subsidiary protection status as defined in points (4) and (6);		(2) ‘beneficiary of international protection’ means a person who has been granted refugee status or subsidiary protection status as defined in points (4) and (6);	<i>Agreement</i>
(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or,	Amendment 51 (3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, gender, sexual orientation, gender identity, disability or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of	(3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or,	<i>Technical</i> <i>Presidency suggests to keep the definition in the COM text; changes are proposed to Recital (28) and Article 10 (1) (d) to reflect EP’s main points in AM 51:</i> (3) ‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is

<p>owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;</p>	<p>former habitual residence for the same reasons as mentioned , is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;</p>	<p>owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;</p>	<p>unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned , is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;</p> <p><i>Rapporteur proposes to agree to drop AM 51 if Council agrees to proposed Recital (28) including EP's addition on disability.</i></p>
<p>(4) 'refugee status' means the recognition by a Member State of a third-country national or a stateless person as a refugee;</p>		<p>(4) 'refugee status' means the recognition by a Member State of a third-country national or a stateless person as a refugee;</p>	<p><i>Agreement</i></p>
<p>(5) 'person eligible for subsidiary protection' means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 16, and to whom Article</p>		<p>(5) 'person eligible for subsidiary protection' means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 16, and to whom Article</p>	<p><i>Agreement</i></p>

18(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;		18(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;	
(6) ‘subsidiary protection status’ means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection;		(6) ‘subsidiary protection status’ means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection;	<i>Agreement</i>
(7) ‘application for international protection’ means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status		[(7) ‘application for international protection’ means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status;	
(8) ‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;		(8) ‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;	
(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international		(9) ‘family members’ means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international	

protection who are present in the same Member State in relation to the application for international protection:		protection who are present [...]on the territory of the same Member State in relation to the application for international protection:	
(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals;	Amendment 52 (a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its [...] relevant national law ;	(a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals;	<i>Rapporteur's proposal:</i> (a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples [...] as equivalent to married couples ; <i>See case-law Ct. H.R. of 14 December 2017 (applications nos. 26431/12; 26742/12; 44057/12 and 60088/12, Orlandi and others v. Italy), par. 194;</i>
(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;	Amendment 53 (b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, [...] the adult children for whom they have charge , regardless of whether they were born in or out of wedlock or adopted as defined or recognised under national law, as well as the children for whom they hold	(b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;	<i>Rapporteur's proposal (to be read together with new proposal for Recital (16) and for Article 25 (1)):</i> b) the minor or dependent children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried, or that the married minor is not accompanied by his or her

	<i>parental responsibility;</i>		<p>spouse, and regardless of whether they were born in or out of wedlock or adopted as defined under national law;</p> <p><i>Rapporteur's proposal (new point on siblings that would cater for AM 136):</i></p> <p>(ba) the minor siblings of the beneficiary;</p>
(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;	<p>Amendment 54</p> <p>(c) where the beneficiary of international protection is a minor, the father, mother or another adult responsible for that beneficiary, whether by law or by practice of the Member State concerned [...];</p>	(c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;	<p><i>Rapporteur's proposal (the reference to siblings would cater for AM 136):</i></p> <p>(c) where the beneficiary of international protection is a minor and unmarried, or when the married minor is not accompanied by his or her spouse, the father, mother or another adult responsible for that beneficiary, including an adult sibling, whether by law or by practice of the Member State concerned [...];</p>
(10) 'minor' means a third-	<p>Amendment 55</p> <p>(10) 'minor' means a third-</p>	(10) 'minor' means a third-	<p><i>Political, with technical preparatory work</i></p>

country national or stateless person below the age of 18 years;	country national or stateless person below the age of 18 years. <i>This is to be assessed, where applicable, at the time his or her application for international protection is made;</i>	country national or stateless person below the age of 18 years;	<i>Presidency suggests to keep the COM text and to add a provision reflecting EP's AM 55 in the relevant article. A recital might also be needed at a later stage. EP suggests to await the Court ruling in case C-550/16:</i> (10) 'minor' means a third-country national or stateless person below the age of 18 years;
(11) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person, including a minor who is left unaccompanied after he or she has entered the territory of the Member States;		(11) 'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States;	<i>Agreement</i>
(12) 'residence permit' means any permit or authorisation issued by the authorities of a Member State, in a form provided by Council Regulation (EC) No 1030/2002 ³¹ ,		(12) 'residence permit' means any [...] authorisation issued by the authorities of a Member State, in a uniform form[...] as laid down in Council Regulation (EC) No	<i>Technical Agreement on Council's text at the 12/12 trilogue</i>

³¹ OJ L157, 15.6.2002, p.1.

allowing a third-country national or stateless person to reside on its territory;		1030/2002 ³² , allowing a third-country national or stateless person to reside legally on its territory;	
(13) 'country of origin' means the country or countries of nationality or, for stateless persons, of former habitual residence;		(13) 'country of origin' means the country or countries of nationality or, for stateless persons, of former habitual residence;	<i>Agreement</i>
(14) 'withdrawal of international protection' means the decision by a competent authority to revoke, end or refuse to renew the refugee or subsidiary protection status;		(14) 'withdrawal of international protection' means the decision by [...] the determining authority or a competent Court or Tribunal to revoke [...] or end, including by refusing to renew, [...]the international protection;	<i>Technical</i> <i>Agreement on Council's text at the 12/12 trilogue</i>
(15) 'subsequent application' means a further application for international protection made in any Member State after a final decision has been taken on a previous application, including where the applicant has explicitly withdrawn his or her application or where the determining authority has rejected an application as abandoned following its implicit withdrawal;	Amendment 56 <i>deleted</i>	(15) [...]	<i>Agreement</i>
	Amendment 57		<i>Technical</i>

³² OJ L157, 15.6.2002, p.1.

<p>(16) 'determining authority' means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at first instance in such cases;</p>	<p>(16) 'determining authority' means any judicial, quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at first instance in such cases;</p>	<p>(16) 'determining authority' means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at [...]the administrative stage of the procedure;</p>	<p><i>Agreement on Council's text at the trilogue on 12/12, with two added commas to make the text clearer and eliminate all possible confusion regarding the notion to which "responsible" refers to:</i></p> <p>(16) 'determining authority' means any quasi-judicial or administrative body in a Member State, responsible for examining applications for international protection, and competent to take decisions at [...]the administrative stage of the procedure;</p>
<p>(17) 'social security' means the branches of social security as defined in Regulation (EC) No 883/2004 of the European Parliament and of the Council³³ covering sickness benefits; maternity and equivalent paternity benefits; invalidity benefits; old-age benefits; survivors' benefits; benefits in respect of accidents at work and occupational diseases;</p>		<p>(17) 'social security' means the branches of social security as defined in Article 3 (1) and (2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council³⁴[...];</p>	<p><i>Political, with technical preparatory work</i></p> <p><i>To be tackled with the respective article</i></p> <p><i>Agreement on Council's text to be confirmed at the 18/04 trilogue</i></p>

³³ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (*OJ L 166, 30.4.2004, p. 1*).

³⁴ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (*OJ L 166, 30.4.2004, p. 1*).

death grants; unemployment benefits, pre-retirement benefits and family benefits;			
(18) 'social assistance' means benefits granted in addition to or beyond social security benefits as defined in point (16), with the objective of ensuring that the basic needs of those who lack sufficient resources are met;		(18) 'social assistance' means benefits granted [...] with the objective of ensuring that the basic needs of those who lack sufficient resources are met;	<i>Political, with technical preparatory work</i> <i>To be tackled with the respective article</i> <i>Agreement on Council's text to be confirmed at the 18/04 trilogue</i>
(19) 'guardian' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary.	Amendment 58 (19) 'guardian' means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to safeguarding the best interests of the child and his or her well-being and exercising legal capacity for the minor where necessary.	(19) [...].	<i>Political, with technical preparatory work</i> <i>To be tackled with the respective article</i>
<i>Article 3</i> <i>Material scope</i>		<i>Article 3</i> <i>Material scope</i>	
1. This Regulation applies to the qualification of third-country nationals or stateless persons as beneficiaries of international protection and to the content of the international protection granted.		[...]	<i>Same text as para (1) of new Article 1a.</i> <i>Agreement on the movement to new Article 1a at the 12/12 trilogue</i>

<p>2. This Regulation does not apply to other national humanitarian statuses issued by Member States under their national law to those who do not qualify for refugee status or subsidiary protection status. These statuses, if issued, shall be issued in such a way as not to entail a risk of confusion with international protection.</p>			<p><i>Political</i></p> <p><i>Agreement on the movement to new Article 1a at the 12/12 trilogue</i></p>
	<p>Amendment 59</p> <p><i>Without prejudice to paragraph 1, Member States shall keep the possibility to grant family members the refugee status or subsidiary protection status in accordance with their national laws, regardless of whether they are subject to a risk of persecution or serious harm, in order to establish a uniform legal status within the family.</i></p>		<p><i>Technical</i></p> <p><i>EP suggests to drop this amendment</i></p> <p><i>Agreement at the 12/12 trilogue</i></p>

<p style="text-align: center;">CHAPTER II</p>		<p style="text-align: center;">CHAPTER II</p>	
<p style="text-align: center;">ASSESSMENT OF APPLICATIONS FOR INTERNATIONAL PROTECTION</p>		<p style="text-align: center;">ASSESSMENT OF APPLICATIONS FOR INTERNATIONAL PROTECTION</p>	
<p style="text-align: center;"><i>Article 4</i> <i>Submission of information and assessment of facts and circumstances</i></p>		<p style="text-align: center;"><i>Article 4</i> <i>Submission of information and assessment of facts and circumstances</i></p>	
<p>1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. He or she shall cooperate with the determining authority and shall remain present and available throughout the procedure.</p>	<p style="text-align: center;">Amendment 60</p> <p>1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. [...] <i>The applicant shall cooperate with the determining authority [...] throughout the procedure, including during the assessment of the relevant elements of the application. The applicant shall remain present and available throughout the procedure. Where, due to extenuating circumstances, the applicant is not available at any point during the procedure, those extenuating circumstances shall be taken into account when any decision is taken concerning</i></p>	<p>1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. For that purpose, he [...] or she shall fully cooperate with the determining authority and with other competent authorities, and shall remain present and available throughout the procedure [...] on the territory of the Member State responsible for examining his or her application.</p>	<p style="text-align: center;"><i>Technical</i></p> <p><i>Presidency suggests the following possible compromise text:</i></p> <p>1. The applicant shall submit all the elements available to him or her which substantiate the application for international protection. For that purpose, he [...] or she shall fully cooperate with the determining authority and with other competent authorities, and shall remain present and available throughout the procedure, including during the assessment of the relevant elements of the application [...], on the territory of the Member State responsible for examining his or her application.</p>

	<p><i>the applicant or his or her application for international protection.*</i></p>		<p><i>Agreement at the 12/12 trilogue</i></p>
<p>2. The elements referred to in paragraph 1 shall consist of the applicant's statements and all the documentation at the applicant's disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications [for international protection and results of any expedited resettlement procedure as defined by Regulation (EU) no XXX/XX [Resettlement regulation]], travel routes, travel documents and the reasons for applying for international protection.</p>	<p>Amendment 61</p> <p>2. The elements referred to in paragraph 1 shall consist of the applicant's statements and all the documentation at the applicant's disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications [for international protection and results of any [...] resettlement procedure, [...] travel routes, travel documents and the reasons for applying for international protection.</p>	<p>2. The elements referred to in paragraph 1 shall consist of the applicant's statements and all the documentation at the applicant's disposal regarding [...]the reasons for being in need of international protection, age, background, including that of family members and other relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous applications for international protection [and results of any [...] resettlement procedure as defined by Regulation (EU) no XXX/XX ([...]Resettlement regulation[...])], travel routes and[...] travel documents [...].</p>	<p><i>Technical</i></p> <p><i>EP suggests the following compromise text:</i></p> <p>2. The elements referred to in paragraph 1 shall consist of the applicant's statements and all the documentation at the applicant's disposal regarding [...]the reasons for applying for international protection, age, background, including that of relevant family members and other [...] relatives, nationality(ies), country(ies) and place(s) of previous residence, previous applications for international protection [and results of any [...] resettlement procedure as defined by Regulation (EU) no XXX/XX ([...]Resettlement regulation[...])], travel routes and[...] travel documents [...].</p> <p><i>Agreement on Article 4 (2) (except for the part highlighted in yellow for which the Council does not</i></p>

			<i>have a mandate) at the 12/12 trilogue</i>
3. The determining authority shall assess the relevant elements of the application in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]	Amendment 62 3. The determining authority shall assess the relevant elements of the application for international protection in accordance with Article 33 of Regulation (EU)XXX/XXX [Procedures regulation.]	3. The determining authority shall assess the relevant elements of the application for international protection in accordance with Article 33 of Regulation (EU)XXX/XXX [Asylum Procedures [...] Regulation].	<i>Agreement</i>
4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.	Amendment 63 4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm. [...]	4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.	<i>Political, with technical preparatory work</i> <i>Possible compromise text:</i> 4. The fact that an applicant has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, shall be considered a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm, unless there is relevant and substantial information [...] that such persecution or serious harm will not be repeated.

<p>5. Where aspects of the applicant's statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects where the following conditions are met:</p>	<p>Amendment 64</p> <p>5. Where aspects of the applicant's statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those aspects and the applicant shall be granted the benefit of the doubt where the following conditions are met:</p>	<p>5. Where one or more particular aspects of the applicant's statements are not supported by documentary or other evidence, no additional evidence shall be required in respect of those particular aspects where the following conditions are met:</p>	<p><i>Technical</i></p> <p><i>A new recital (21a) has been drafted to cater for the aspects regarding the benefit of the doubt.</i></p> <p><i>The Presidency suggests to keep the Council text.</i></p> <p><i>Further discussions are needed</i></p> <p><i>The EP suggests to accept the chapeau provision provided that benefit of the doubt is kept in Recital (21a).</i></p>
<p>(a) the applicant has made a genuine effort to substantiate his or her application;</p>	<p>Amendment 65</p> <p>(a) the applicant has made a genuine effort to substantiate his or her application for international protection;</p>	<p>(a) the applicant has made a genuine effort to substantiate his or her [...] need for international protection;</p>	<p><i>Technical</i></p> <p><i>Agreement on the EP text at the 12/12 trilogue:</i></p> <p>(a) the applicant has made a genuine effort to substantiate his or her application for international protection;</p>
<p>(b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;</p>	<p>Amendment 66</p> <p>(b) all relevant elements at the applicant's disposal have been submitted [...]</p>	<p>(b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;</p>	<p><i>Technical</i></p> <p><i>As there is no list of relevant elements the EP remains concerned about the obligation placed on the applicant in the second part of the paragraph.</i></p> <p><i>Further discussions are needed</i></p>

(c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;		(c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;	<i>Agreement</i>
(d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;	Amendment 67 <i>deleted</i>	(d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;	<i>Political, with technical preparatory work</i> <i>Rapporteur's proposal: deleted</i> <i>EP considers point (d) as part of the general credibility of the applicant and proposes to clarify this in Recital (21a) (see new text proposal)</i>
(e) the general credibility of the applicant has been established.		(e) the general credibility of the applicant has been established.	<i>Agreement</i>
<i>Article 5</i> <i>International protection needs arising sur place</i>		<i>Article 5</i> <i>International protection needs arising sur place</i>	
1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the		1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the	<i>Technical (consequential to political discussion on paras (2a) and (3))</i> <i>A new recital (21b) has been</i>

<p>country of origin.</p>		<p>country of origin, or [...] on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.</p>	<p><i>drafted to cover cases of concealment in relation to Articles 4 and 5. Possible compromise text that would cater for the deletion of paragraph 3 in the EP text could be:</i></p> <p>1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the applicant left the country of origin, or [...] on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions, beliefs or orientations held in the country of origin.</p> <p><i>EP could accept if CNS accepts new Recital (21b)</i></p>
<p>2. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and</p>		<p>2. [merged with paragraph 1]</p>	<p><i>Technical (consequential to political discussions on paras (2a) and (3))</i></p>

<p>continuation of convictions or orientations held in the country of origin.</p>			
		<p>2a. Without prejudice to the Geneva Convention, if the risk of persecution or serious harm is based on circumstances which the applicant has created since leaving the country of origin for the sole or main purpose of creating the necessary conditions for applying for international protection, Member States may decide not to grant international protection.</p>	<p><i>Political</i> <i>Possible compromise text:</i> 2a. Provided that any decision taken on the application for international protection respects the Geneva Convention, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, if the risk of persecution or serious harm is based on circumstances which the applicant has created since leaving the country of origin for the sole or main purpose of creating the necessary conditions for applying for international protection, the granting of such protection may be refused. <i>Agreement to be confirmed at 18/04 trilogue</i></p>
<p>3. Without prejudice to the Geneva Convention and the European Convention on Human</p>	<p>Amendment 68 3. [...] <i>Provided that any decision on the application for international protection taken is</i></p>	<p>3. [...]</p>	<p><i>Political, with technical preparatory work</i></p>

<p>Rights, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.</p>	<p><i>fully in line with</i> the Geneva Convention, the European Convention <i>for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union</i>, an applicant who files a subsequent application in accordance with Article 42 of Regulation (EU)XXX/XXX [Procedures regulation] [...] <i>may be refused</i> refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin <i>for the sole purpose of being granted international protection. This shall exclude any circumstances independent of the applicant's will, including but not limited to his or her sexual orientation and religious beliefs, which the applicant may have concealed to various degrees while in the country of origin.</i></p>		<p><i>Agreement to have this para deleted and replaced by para 2a and recital (21ba) to be confirmed at the 18/04 trilogue</i></p>
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<i>Article 6 Actors of persecution or serious harm</i>		Article 6 Actors of persecution or serious harm	
Actors of persecution or serious harm can only be:	Amendment 69 Actors of persecution or serious harm can [...] be:	Actors of persecution or serious harm can only be:	<i>Technical</i> <i>Agreement on the EP text at the 12/12 trilogue (the word “solely” will be deleted in AM 108):</i> Actors of persecution or serious harm can [...] be:
(a) the State;		(a) the State;	<i>Agreement</i>
(b) parties or organisations controlling the State or a substantial part of the territory of the State;		(b) parties or organisations controlling the State or a substantial part of the territory of the State;	<i>Agreement</i>
(c) non-State actors, if it can be demonstrated that the actors referred to in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as referred to in Article 7.		(c) non-State actors, if it can be demonstrated that the actors referred to in [...] Article 7(1)[...] are unable or unwilling to provide protection against persecution or serious harm [...].	<i>Technical</i> <i>Agreement on the Council text at the 12/12 trilogue:</i> (c) non-State actors, if it can be demonstrated that the actors referred to in [...] Article 7(1)[...] are unable or unwilling to provide protection against persecution or serious harm [...].
<i>Article 7 Actors of protection</i>		Article 7 Actors of protection	
1. Protection against persecution or serious harm can	Amendment 70 1. Protection against persecution or serious harm can	1. Protection against persecution or serious harm can	<i>Technical</i>

only be provided by the following actors :	only be provided by [...]:	only be provided by the following actors:	<i>Agreement on COM/Council text to be confirmed at the 18/04 trilogue</i> 1. Protection against persecution or serious harm can only be provided by the following actors:
(a) the State;		(a) the State;	<i>Agreement</i>
(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State	Amendment 71 (b) parties or organisations [...] which are mandated by the State and control the State or a substantial part of the territory of the State.	(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State,	<i>Political</i> <i>Possible compromise text:</i> <u>(b) stable non-State entities who control the State or a substantial part of the territory of the state, as well as international organisations including through the presence of a multinational force,</u>
provided they are willing and able to offer protection in accordance with paragraph 2.	Amendment 72 [...] as long as they are willing and able to [...] provide full, effective and durable protection [...] against persecution or serious harm.	provided they are[...] able and[...] willing to [...] provide protection in accordance with paragraph 2.	<i>Technical</i> <i>Agreement at the 12/12 trilogue on the following text:</i> provided they are[...] able and[...] willing to [...] provide effective and non-temporary protection in accordance with paragraph 2.
2. Protection against persecution or serious harm shall be effective and of a non-temporary	Amendment 73 deleted	2. Protection against persecution or serious harm shall be effective and of a non-temporary	<i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i>

<p>nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.</p>		<p>nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.</p>	<p>2. Protection against persecution or serious harm shall be effective and of a non-temporary nature. That protection shall be considered to be provided when the actors referred to in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, among others, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to that protection.</p>
<p>3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on</p>	<p>Amendment 74</p> <p>3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as referred to in paragraph 2, determining authorities [...] may take into account any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on</p>	<p>3. When assessing whether parties or organisations, including international organisations, control[...] a State or a substantial part of its territory, and provide[...] protection as referred to in paragraph 2, the determining authority[...]shall [...] take into account precise and up-to-date information on countries of origin obtained from relevant and available national, Union and international sources, and, where available, the common</p>	<p><i>Political, with technical preparatory work</i></p> <p><i>Agreement at the 12/12 trilogue on the following text with the exception of the reference to other parties or organisations, which depends on the outcome of para (1)(b):</i></p> <p>3. When assessing whether parties or organisations, including international organisations, control[...] a State or a substantial part of its territory, and provide[...] protection as referred to in paragraph 2, the</p>

the European Union Agency for Asylum].	the European Union Agency for Asylum].	analysis on the situation in specific countries of origin and the guidance notes referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].	determining authority[...]shall [...] take into account precise and up-to-date information on countries of origin obtained from relevant and available national, Union and international sources, and, where available, the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article [...] 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum].
		This is without prejudice to the competence of the determining authority to decide on applications for international protection.	<i>Technical</i> <i>Agreement on deletion to be confirmed at the 18/04 trilogue</i>
<i>Article 8</i> <i>Internal protection</i>		Article 8 Internal protection <u>alternative</u>	
1. As part of the assessment of the application for international protection, the determining authority shall determine that an applicant is not in need of international protection if he or she can safely and legally travel to and	Amendment 75 1. As part of the assessment of the application for international protection, and provided that the State or agents of the State are not the actors of persecution or serious harm , the determining authority [...] may determine that	1. As part of the assessment of the application for international protection, once it has been established that the qualification criteria would otherwise apply , the determining authority shall [...] examine if an applicant is not	<i>Political</i> <i>It was discussed in the trilogue on 30/11.</i> <i>Further discussions are needed</i>

<p>gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:</p>	<p>an applicant is not in need of international protection if he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:</p>	<p>in need of international protection [...]because he or she can safely and legally travel to and gain admittance to a part of the country of origin and can reasonably be expected to settle there and if, in that part of the country, he or she:</p>	
<p>(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or</p>		<p>(a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or</p>	<p><i>Agreement</i></p>
<p>(b) has access to protection against persecution or serious harm.</p>	<p>Amendment 76 (b) has access to full, effective and durable protection against persecution or serious harm.</p>	<p>(b) has access to protection against persecution or serious harm.</p>	<p><i>Technical</i> <i>Agreement at the 12/12 trilogue on the following text:</i> (b) has access to effective and non-temporary protection against persecution or serious harm.</p>
<p>2. The assessment of the availability of internal protection shall be carried out once it has been established by the determining authority that the qualification criteria would otherwise apply. The burden of demonstrating the availability of internal protection shall rest on the determining authority. The applicant shall not be required to prove that, before</p>	<p>Amendment 77 2. [...] Without prejudice to Article 4(1), the burden of demonstrating the availability of internal protection shall [...] rest on the determining authority [...]. That shall not preclude the applicant from presenting evidence to rebut any finding by the determining authority that internal protection is available. The applicant shall not be required</p>	<p>2. [...]</p>	<p><i>Political, with technical preparatory work</i> <i>EP suggests the following text as a compromise in the Article:</i> In those cases where the determining authority demonstrates that an international protection alternative is available, the applicant shall then be entitled to present evidence and submit any element which indicates that</p>

<p>seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.</p>	<p>to prove that, before seeking international protection, he or she has exhausted all possibilities to obtain protection in his or her country of origin.</p>		<p>such an alternative is not applicable to him or her whereas the determining authority should take these elements submitted by the applicant into account.</p> <p><i>Further discussion are needed.</i></p> <p><i>The Council could accept the text if a reference would be added to the "personal circumstances" as in Recital (24).</i></p>
<p>3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, determining authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level</p>		<p>3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, the determining authority[...] shall at the time of taking the decision on the application for international protection have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, the determining authority [...]shall[...]take into account precise and up-to-date</p>	<p><i>Technical</i></p> <p><i>EP can agree to Council's text (in line with agreement on EUAA)</i></p> <p><i>Agreement at the 12/12 trilogue (the reference to Article 8 is deleted because it is not relevant anymore):</i></p> <p>3. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, the determining authority[...] shall at the time of taking the decision on the application for international</p>

<p>country of origin information and the common analysis of country of origin information referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum], as well as information and guidance issued by the United Nations High Commissioner for Refugees.</p>		<p>information[...]obtained from [...]relevant and available national, Union and international sources, and where available[...]the common analysis on the situation in specific countries of origin and the guidance notes referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX[Regulation on the European Union Agency for Asylum][...].</p>	<p>protection have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, the determining authority [...]shall[...]take into account precise and up-to-date information[...]obtained from [...]relevant and available national, Union and international sources, and where available[...]the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article [...] 10 of Regulation (EU) No XXX/XX[Regulation on the European Union Agency for Asylum][...].</p>
		<p>This is without prejudice to the competence of the determining authority to decide on applications for international protection.</p>	<p><i>Technical Agreement on deletion to be confirmed at the 18/04 trilogue</i></p>
<p>4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as referred</p>	<p>Amendment 78 4. When considering the general circumstances prevailing in that part of the country which is the source of the protection as</p>	<p>4. When considering whether an applicant can safely and legally travel to and gain admittance to that part of the</p>	<p><i>Political</i> <i>It was discussed in the trilogue on 30/11</i> <i>Agreement at the 12/12 trilogue on</i></p>

<p>to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.</p>	<p>referred to in Article 7, the accessibility, effectiveness and durability of that protection shall be taken into account. When considering personal circumstances of the applicant, health, age, gender, sexual orientation, gender identity, <i>ethnic origin, membership of a national minority</i> and social status shall in particular be taken into account together with an assessment of whether living in the part of the country of origin regarded as safe would not impose undue hardship on the applicant.</p>	<p>country of origin which is considered as an internal protection alternative and whether it is reasonable to expect him or her to settle there, the determining authority shall take into account:</p>	<p><i>the compromise text proposed by the Commission:</i></p> <p>4. [...] For the purpose of paragraph (1), the determining authority shall take into account:</p>
		<p>(a) the general circumstances prevailing in that part of the country [...] including the accessibility, effectiveness and durability of [...] the protection [...] as referred to in Article 7, and</p>	<p><i>Political</i></p> <p><i>Agreement at the 12/12 trilogue on the compromise text proposed by the Commission:</i></p> <p>(a) the general circumstances prevailing in that part of the country [...] including the accessibility, effectiveness and durability of [...] the protection [...] as referred to in Article 7, and</p>
		<p>[...]</p>	

		<p>(b) the personal circumstances of the applicant in relation to factors such as health, age, gender,[...] including gender identity, and [...] sexual orientation [...].</p>	<p><i>Political</i></p> <p><i>Agreement at the 12/12 trilogue on the compromise text proposed by the Commission:</i></p> <p>(b) the personal circumstances of the applicant in relation to factors such as health, age, gender, [...] including gender identity, [...] sexual orientation, ethnic origin and membership of a national minority [...] as well as</p>
			<p><i>Agreement at the 12/12 trilogue on the compromise text proposed by the Commission:</i></p> <p>_(ba) whether the applicant would be able to cater for his or her own basic needs.</p>
	<p>Amendment 79</p> <p><i>4a. Any decision not to provide international protection to a minor, whether accompanied or not, based on the availability of internal protection, shall be preceded by a formal procedure to determine the best interests of the minor. Where the applicant is an</i></p>		<p><i>Council could accept a slightly modified version of the Commission's compromise proposal as follows:</i></p> <p>Where the applicant is an unaccompanied minor, the availability of appropriate care and custodial arrangements shall be taken into account when</p>

	<p><i>unaccompanied minor, the availability of appropriate care, custodial arrangements and durable solutions for his or her development should be part of the assessment of whether the protection is effectively guaranteed within the area where internal protection is presumed to exist.</i></p>		<p>considering whether protection is effectively available.</p> <p><i>EP suggests the following compromise text, as well as the text proposed for Recital (25):</i></p> <p>Any decision not to provide international protection to a minor, whether accompanied or not, based on the availability of internal protection, shall be preceded by an assessment to determine the best interests of the minor, in particular the availability of appropriate care, custodial arrangements and durable solutions for his or her development.</p> <p><i>Further discussions are needed</i></p> <p><i>COM proposes to add a sentence to sub para (ba) as follows:</i></p> <p>(ba)(...)Where the applicant is an unaccompanied minor, the determining authority shall take into account the best interests of the minor, in particular the availability of appropriate care, custodial arrangements [and durable solutions for his or her development.]</p>
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CHAPTER III		CHAPTER III	
QUALIFICATION FOR BEING A REFUGEE		QUALIFICATION FOR BEING A REFUGEE	
<i>Article 9 Acts of persecution</i>		Article 9 Acts of persecution	
1. An act shall be regarded as an act of persecution within the meaning of Article 1(A) of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967 (hereinafter referred as Geneva Convention), where :		1. An act shall be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention [...], where:	<i>Technical</i> <i>Agreement at the 12/12 trilogue on the Council's text with respect to the chapeau of Art. 9 (1):</i> 1. An act shall be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention [...], where:
(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or	Amendment 80 (a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of [...] human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or	(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or	<i>Technical</i> <i>Possible compromise text:</i> <u>(a) it is sufficiently serious by its nature or repetition as to constitute a severe violation of core human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental</u>

			<u>Freedom</u> s; or
(b) it is an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as referred to in point (a).		(b) it is an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as referred to in point (a).	<i>Agreement</i>
2. Acts of persecution as qualified in paragraph 1 may , among others, take the form of:		2. Acts of persecution as qualified in paragraph 1 may, among others, take the form of:	<i>Agreement</i>
(a) acts of physical or mental violence, including acts of sexual violence;	Amendment 81 (a) acts of physical or mental violence, including acts of sexual violence or trafficking for sexual exploitation ;	(a) acts of physical or mental violence, including acts of sexual violence;	<i>Technical,</i> <i>Council to check whether could accept the addition here. COM to check how this relates to the Directive on trafficking.</i> <i>Council cannot accept this addition as it could lead to a potential clash with the relevant directive and the overall objection to fight trafficking.</i> <i>Further discussions are needed on this issue, possibly in a horizontal manner.</i> <i>The EP maintains its position.</i>
(b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a		(b) legal, administrative, police, [...] or judicial measures which are in themselves discriminatory or which are implemented in a	<i>Agreement on Council text at the 12/12 trilogue</i>

discriminatory manner;		discriminatory manner;	
(c) prosecution or punishment which is disproportionate or discriminatory;		(c) prosecution or punishment which is disproportionate or discriminatory;	<i>Agreement, however a recital could be drafted with regard to EP's AM 82.</i>
(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;		(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;	<i>Agreement</i>
(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);	Amendment 82 (e) prosecution or punishment for refusal to perform military service [...] <i>on moral, religious or political grounds or due to belonging to a particular ethnic group or holding a particular citizenship and, in particular,</i> where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);	(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);	<i>Technical</i> <i>See compromise proposal for Recital (26a) to cater for AM 82 and delete it from the enacting terms.</i>
(f) acts of a gender-specific or child-specific nature.	Amendment 83 (f) acts of a gender-specific or child-specific nature, <i>such as under-age recruitment, genital mutilation, forced marriage, child trafficking and child labour, domestic violence, trafficking for sexual exploitation, and violations of economic, social and cultural rights.</i>	(f) acts of a gender-specific or child-specific nature.	<i>Technical</i> <i>EP suggests to merge Recital (26) and AM 83, and if accepted, AM 83 would be dropped (see the proposed compromise text for Recital (26)).</i>

3. In accordance with point (3) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.		3. In accordance with point (3) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.	<i>Agreement</i>
<i>Article 10 Reasons for persecution</i>		Article 10 Reasons for persecution	
1. The following elements shall be taken into account when assessing the reasons for persecution:		1. The following elements shall be taken into account when assessing the reasons for persecution:	<i>Agreement</i>
(a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;		(a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;	<i>Agreement</i>
(b) the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;		(b) the concept of religion shall, in particular, include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;	<i>Agreement</i>
(c) the concept of nationality		(c) the concept of nationality	<i>Agreement</i>

<p>shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;</p>		<p>shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;</p>	
<p>(d) the concept of a particular social group shall include, in particular, a group where:</p>	<p>Amendment 84 (d) the concept of membership of a particular social group shall include, in particular, a group where:</p>	<p>(d) the concept of membership of a particular social group shall include, in particular, membership of a group [...]:</p>	<p><i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i> (d) the concept of membership of a particular social group shall include, in particular, membership of a group [...]:</p>
<p>– members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and</p>	<p>Amendment 85 - members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, [...] or</p>	<p>– whose members share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and</p>	<p><i>Political, with technical preparatory work</i> <i>Technical solution discussed - EP gave examples (case-law cited in the 30/11 trilogue) that would help draft an exception to the cumulative nature of the two conditions; PRES suggests to include such exceptions in a recital. EP maintains its position on the non-cumulative nature.</i> <i>Council maintains its position on the cumulative nature of the two</i></p>

			<i>conditions.</i> <i>Further discussions are needed</i>
– that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;		– [...] which has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.	<i>Political, with technical preparatory work</i> <i>It was discussed in the trilogue on 30/11.</i>
depending on the circumstances in the country of origin, the concept might include a group based on a common characteristic of sexual orientation (a term which cannot be understood to include acts considered to be criminal in accordance with national law of the Member States); gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;	Amendment 86 depending on the circumstances in the country of origin, the concept [...] <i>shall</i> include a group based on a common characteristic of sexual orientation [...] <i>and</i> gender related aspects, including gender identity, <i>gender expression and sex characteristics, and the fact of having been a victim of trafficking for sexual exploitation.</i> <i>Those aspects</i> shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;	Depending on the circumstances in the country of origin, [...] that concept [...] may include membership of a group based on a common characteristic of sexual orientation [...]. Gender-related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;	<i>Political, with technical preparatory work</i> <i>Possible compromise text:</i> Depending on the circumstances in the country of origin, [...]that concept [...]includes membership of a group based on a common characteristic of sexual orientation [...]. Gender related aspects including gender identity and gender expression [...] shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group; <i>EP could accept. Further discussions on the term “includes” are needed at Council level.</i>
(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the		(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the	<i>Agreement</i>

<p>potential actors of persecution mentioned in Article 6 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.</p>		<p>potential actors of persecution mentioned in Article 6 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.</p>	
<p>2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.</p>		<p>2. When assessing if an applicant has a well-founded fear of being persecuted it is[...]irrelevant whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.</p>	<p><i>Technical Agreement on Council's text at 12/12 trilogue:</i></p> <p>2. When assessing if an applicant has a well-founded fear of being persecuted it is[...]irrelevant whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.</p>
<p>3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity, to avoid the risk of persecution in his or her</p>	<p>Amendment 87</p> <p>3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to behave discreetly or abstain from certain practices, where such behaviour or practices are inherent to his or her identity or conscience, to avoid the risk of</p>	<p>3. When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect an applicant to[...] adapt or change his or her behaviour, convictions or identity, or to abstain from certain practices, where [...] these are inherent to his or her identity, to</p>	<p><i>Provisional agreement on Council's text to be confirmed at trilogue on 18/04</i></p>

country of origin.	persecution in his or her country of origin.	avoid the risk of persecution in his or her country of origin.	
<i>Article 11 Cessation</i>		<i>Article 11 Cessation</i>	
1. A third-country national or a stateless person shall cease to be a refugee where one or more of the following apply:		1. A third-country national or a stateless person shall cease to be a refugee where one or more of the following apply:	<i>Agreement</i>
(a) the person has voluntarily re-availed himself or herself of the protection of the country of nationality;		(a) the person has voluntarily re-availed himself or herself of the protection of the country of nationality;	<i>Agreement</i>
(b) having lost his or her nationality, the person has voluntarily re-acquired it;		(b) having lost his or her nationality, the person has voluntarily re-acquired it;	<i>Agreement</i>
(c) the person has acquired a new nationality, and enjoys the protection of the country of his or her new nationality;		(c) the person has acquired a new nationality, and enjoys the protection of the country of his or her new nationality;	<i>Agreement</i>
(d) the person has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution;		(d) the person has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution;	<i>Agreement</i>
(e) the person can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to		(e) the person can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to	<i>Agreement</i>

refuse to avail himself or herself of the protection of the country of nationality;		refuse to avail himself or herself of the protection of the country of nationality;	
(f) being a stateless person, the person is able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.		(f) being a stateless person, the person is able, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.	<i>Agreement</i>
Points (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.		Points (e) and (f) shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.	<i>Agreement</i>
2. When points (e) and (f) of paragraph 1 apply, the determining authority		2. [...] In order to assess whether points (e) and (f) of paragraph 1 apply, the determining authority shall:	<i>Technical</i> <i>Agreement on Council's text at the 12/12 trilogue:</i> 2. [...] In order to assess whether points (e) and (f) of paragraph 1 apply, the determining authority shall:
(a) shall have regard to whether the change of circumstances is of		(b[<i>former a</i>]) [...] have regard to whether the change of	<i>Technical</i> <i>Agreement at the 12/12 trilogue on</i>

<p>such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded;</p>		<p>circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded;</p>	<p><i>switching the places of points (a) and (b) and on the Council's text:</i> (b[former a]) [...] have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded;</p>
<p>(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.</p>	<p>Amendment 88 (b) shall [...] take into account precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and common analysis of country of origin information referred to in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.</p>	<p>(a[former b]) [...] take into account precise and up-to-date information obtained from [...] relevant and available national, Union and international sources, and where available[...] the common analysis on the situation in specific countries of origin and the guidance notes referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum][...].</p>	<p><i>Technical</i> <i>Agreement on Council's text at the 12/12 trilogue (reference to Article 8 to be deleted)</i> (a[former b]) [...] take into account precise and up-to-date information obtained from [...] relevant and available national, Union and international sources, and where available[...] the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article [...] 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum][...].</p>
		<p>This is without prejudice to the competence of the determining</p>	<p><i>Technical</i></p>

		authority to decide on applications for international protection.	<i>Agreement on deletion to be confirmed at the 18/04 trilogue</i>
<i>Article 12 Exclusion</i>		<i>Article 12 Exclusion</i>	
1. A third-country national or a stateless person shall be excluded from being a refugee if:	Amendment 89 1. A third-country national or a stateless person shall be excluded from being a refugee <i>under the scope of this Regulation</i> if:	1. A third-country national or a stateless person shall be excluded from being a refugee if:	<i>Technical</i> <i>Agreement on the Council's text to be confirmed at the 18/04 trilogue:</i> 1. A third-country national or a stateless person shall be excluded from being a refugee if:
(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall ipso facto be entitled to the benefits of this Regulation;		(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall ipso facto be entitled to the benefits of this Regulation;	<i>Agreement</i>

<p>(b) he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.</p>		<p>(b) he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations [...].</p>	<p><i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i> (b) he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations [...]</p>
		<p>1a. When considering whether the protection or assistance from organs and agencies as referred to in point (a) of paragraph 1 has ceased to exist, the determining authority shall ascertain whether the person concerned was forced to leave his/her area of operation, due to a situation where his or her personal safety was at serious risk and such organs or agencies were unable to ensure his or her living conditions in accordance with their mandate.</p>	<p><i>Possible compromise text (COM text in para (4) with minor corrections):</i> <u>1a. When considering whether the protection or assistance from organs and agencies as referred to in point (a) of paragraph 1 has ceased to exist, the determining authority shall ascertain whether the person concerned was forced to leave the area of operation of the relevant organ or agency, due to a situation where his or her personal safety was at serious risk and such organs or agencies were unable to ensure his or her living conditions in accordance</u></p>

			<u>with their mandate.</u> <i>EP needs further discussions</i>
2. A third-country national or a stateless person shall be excluded from being a refugee where there are serious reasons for considering that:		2. A third-country national or a stateless person shall be excluded from being a refugee where there are serious reasons for considering that:	<i>Agreement</i>
(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;		(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;	<i>Agreement</i>
(b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;		(b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of [...] granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;	<i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i> (b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of [...] granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
	Amendment 90		<i>Technical</i>
(c) he or she has been guilty of	(c) he or she has been guilty of	(c) he or she has been guilty of	<i>The EP could agree with the three</i>

<p>acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.</p>	<p>acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations, <i>including convictions on the grounds of participation in the activities of a terrorist group.</i></p>	<p>acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.</p>	<p><i>recitals (30a)(30b)(30c) if Council agrees to deletion of paragraphs 5 and 6 of Article 12. In addition, EP is willing to drop its amendment to the last sentence of recital (30) in the context of this same agreement.</i></p> <p><i>Further discussions are needed</i></p>
	<p>Amendment 91</p> <p><i>The determining authority may apply this paragraph only after it has undertaken, for each individual case, an assessment of the specific facts brought to its attention, with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of points (a), (b) or (c) of the first subparagraph.</i></p>		<p><i>Technical</i></p> <p><i>EP to consider dropping in the context of discussions on 12(6)and (5) with recitals (30a)(30b)(30c).</i></p>
<p>3. Paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.</p>		<p>3. Paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.</p>	<p><i>Agreement</i></p>
	<p>Amendment 92</p> <p><i>3a. Paragraph 2 shall not apply to minors.</i></p>		<p><i>Political, with technical preparatory work</i></p>

			<p><i>Possible compromise text suggested by COM in the enacting terms, as 12(3a) or a new 12(5a):</i></p> <p>When examining paragraphs (2) and (3) in relation to an applicant who is a minor, the determining authority shall take into account his or her capacity to be considered responsible under criminal law had he or she committed the crime on the territory of the Member State examining the application in accordance with national law on the age of criminal responsibility.</p> <p><i>Council could accept the text</i></p> <p><i>EP's compromise proposal:</i></p> <p>When examining paragraphs (2) and (3) in relation to an applicant who is a minor, the determining authority shall not apply the exclusion grounds unless the minor would be considered responsible under criminal law had he or she committed the crime on the</p>
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			<p>territory of the Member State examining the application in accordance with national law on the age of criminal responsibility.</p> <p><i>COM cannot support EP compromise proposal.</i></p> <p><i>To be discussed at the 18/04 trilogue</i></p>
<p>4. When considering whether the protection pursuant to point (a) of paragraph 1 has ceased to exist, the determining authority shall ascertain whether the person concerned was forced to leave the area of operations of the relevant organ or agency. This shall be the case where that person's personal safety was at serious risk and it was impossible for that organ or agency to guarantee that his or her living conditions in that area would be commensurate with the mission entrusted to that organ or agency.</p>		<p>4. <i>[moved to paragraph (1a)]</i></p>	<p><i>Technical (text almost identical to new para (1a))</i></p>
<p>5. For the purposes of points (b) and (c) of paragraph 2, the following acts shall be classified as serious non-political crimes:</p>	<p>Amendment 93 <i>deleted</i></p>	<p>5. <i>[moved to recitals]</i></p>	<p><i>Technical</i></p> <p><i>Agreement to delete para (5) and discuss this in the framework of Recital (31).</i></p>
<p>(a) particularly cruel actions</p>	<p>Amendment 93</p>		<p><i>Technical</i></p>

when the act in question is disproportionate to the alleged political objective,	<i>deleted</i>		
(b) terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective.	Amendment 93 <i>deleted</i>		<i>Technical</i>
6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (1) to (5) are met and shall not be subject to any additional proportionality assessment in relation to the particular case.	Amendment 94 <i>deleted</i>	6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (1) to (3[...]) are met and shall not be subject to any additional proportionality assessment in relation to the particular case.	<p><i>Political, with technical preparatory work</i></p> <p><i>It was discussed in the trilogue on 30/11</i></p> <p><i>The EP could agree with the three recitals (30a)(30b)(30c) if Council agrees to deletion of paragraphs 5 and 6 of Article 12. In addition, EP is willing to drop its amendment to the last sentence of recital (30) in the context of this same agreement.</i></p> <p><i>Further discussions are needed</i></p> <p><i>EP suggestion on a possible compromise recital:</i></p> <p>Once the determining authority has established, based on an individual assessment of the relevant criminal activity and the responsibility of the</p>

			<p>applicant, that one or more of the relevant exclusion grounds laid down in this Regulation are applicable, the determining authority should exclude the applicant from refugee or subsidiary protection status without performing an additional proportionality assessment linked to the level of the fear of persecution or the risk of serious harm.</p> <p><i>Possible compromise text suggested by COM for 12 (6):</i></p> <p>6. The exclusion of a person from refugee status shall depend exclusively on whether the conditions set out in paragraphs (2) to (5) are met, based on an individual assessment of the relevant crimes or acts committed by the applicant and the individual responsibility of the applicant for these, and shall not be subject to any proportionality assessment linked to the severity of the feared persecution.</p> <p><i>Council could accept both compromise proposals (further fine tuning necessary to align the</i></p>
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			<p><i>drafting - level of fear, severity of feared persecution)</i></p> <p><i>EP could accept this language in a recital but not in the operative part.</i></p> <p><i>To be discussed at the 18/04 trilogue</i></p>
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CHAPTER IV		CHAPTER IV	
REFUGEE STATUS		REFUGEE STATUS	
<i>Article 13 Granting of refugee status</i>		<i>Article 13 Granting of refugee status</i>	
The determining authority shall grant refugee status to a third-country national or a stateless person who qualifies as a refugee in accordance with Chapters II and III.		The determining authority shall grant refugee status to a third-country national or a stateless person who qualifies as a refugee in accordance with Chapters II and III.	<i>Agreement</i>
<i>Article 14 Revocation of, ending of or refusal to renew refugee status</i>	Amendment 95 - (This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.) <i>Article 14 [...] Withdrawal of refugee status</i>	<i>Article 14 [...] <u>Withdrawal of refugee status</u></i>	<i>Agreement</i>
1. The determining authority shall revoke, end or refuse to renew the refugee status of a third-country national or stateless person where :	Amendment 96 1. The determining authority shall [...] withdraw the refugee status of a third-country national or stateless person where:	1. The determining authority shall [...] withdraw the refugee status of a third-country national or stateless person where:	<i>Technical</i> <i>Agreement on the following text at the 12/12 trilogue:</i> 1. The determining authority shall [...] withdraw the refugee status of a third-country national or stateless person where:
(a) he or she has ceased to be a refugee in accordance with Article 11;		(a) he or she has ceased to be a refugee in accordance with Article 11;	<i>Agreement</i>

(b) he or she should have been or is excluded from being a refugee in accordance with Article 12;		(b) he or she should have been or is excluded from being a refugee in accordance with Article 12;	<i>Agreement</i>
(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status;		(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status;	<i>Agreement</i>
(d) there are reasonable grounds for regarding him or her as a danger to the security of the Member State in which he or she is present;	Amendment 97 (d) there are reasonable grounds for regarding [...] that he or [...] she, having been convicted by a final judgment of a particularly serious crime, is a danger to the security of the Member State in which he or she is present;	(d) there are reasonable grounds for regarding him or her as a danger to [...] national security [...];	<i>Political</i> <i>It was discussed in the trilogue on 30/11</i> <i>COM to propose draft interinstitutional declaration towards COM proposal to be made after court ruling on relevant provisions of QD</i> <i>To be discussed at the 18/04 trilogue (EP to accept Council's text on points (d) and (e) if Council accepts deleting 23 (2)).</i>
(e) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Member State in which he or she is present;	Amendment 98 deleted	(e) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community [...];	<i>Political</i> <i>It was discussed in the trilogue on 30/11</i> <i>COM to propose draft interinstitutional declaration towards COM proposal to be made after court ruling on</i>

			<p><i>relevant provisions of QD</i></p> <p><i>To be discussed at the 18/04 trilogue (EP to accept Council's text on points (d) and (e) if Council accepts deleting 23 (2)).</i></p>
(f) Article 23(2) is applied.	Amendment 99 <i>deleted</i>	(f) Article 23(2) is applied.	<p><i>Political</i></p> <p><i>Consequential to the discussion on 23 (2) in the 18/04 trilogue</i></p>
2. In situations referred to in points (d) to (f) of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.	Amendment 100 2. In [...] <i>the situation</i> referred to in <i>point (d)</i> [...] of paragraph 1, the determining authority may decide not to grant status to a refugee, where such a decision has not yet been taken.	2. In situations referred to in points (d) to (f) of Article 14(1) the determining authority may decide not to grant refugee status if a decision on the application has not yet been taken.	<p><i>Political</i></p> <p><i>To be discussed when points (d) and (e) are settled</i></p>
3. Persons to whom points (d) to (f) of paragraph 1 or paragraph 2 apply shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.	Amendment 101 3. Persons to whom <i>point (d)</i> [...] of paragraph 1 or paragraph 2 [...] <i>applies</i> shall be entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State.	3. Persons to whom points (d) to (f) of paragraph 1 or paragraph 2 apply shall be entitled to the rights set out in, or similar to, those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Member State that examined their application or granted them refugee status.	<p><i>Technical</i></p> <p><i>EP modification related to the outcome of the discussion on (d) and (e)</i></p> <p><i>EP could agree to last addition in Council's text; first part remains open</i></p> <p><i>Further discussions are needed</i></p>
	Amendment 102		<i>Following discussion at technical</i>

<p>4. Without prejudice to the duty of the refugee in accordance with Article 4(1) to disclose all relevant facts and provide all relevant documentation at his or her disposal, the determining authority which has granted refugee status shall, on an individual basis, demonstrate that the person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.</p>	<p>4. Without prejudice to the duty of the refugee in accordance with Article 4(1) to disclose all [...] <i>the elements available to him or her which substantiate the application for international protection</i>, the determining authority which has granted refugee status shall, on an individual basis, demonstrate that the person concerned has ceased to be or has never been a refugee for the reasons set out in paragraph 1 of this Article.</p>	<p>4. During the withdrawal procedure, the beneficiary of the refugee status shall [...] disclose all relevant facts and provide all relevant documentation at his or her disposal, and cooperate fully with the determining authority and with other competent authorities, whereas the determining authority which has granted refugee status shall, on an individual basis, demonstrate that the person concerned has ceased to be a refugee, [...] should have [...] never been granted refugee status, or should no longer be a beneficiary of refugee status for the reasons set out in paragraph 1 of this Article.</p>	<p><i>level, it was considered this point should become political.</i></p> <p><i>It was discussed during the trilogue on 12/12.</i></p> <p><i>Possible compromise (based on wording of Art. 4(1):</i></p> <p>4. The determining authority which granted refugee status shall, on an individual basis, demonstrate that the beneficiary of the refugee status has ceased to be a refugee, should have never been granted refugee status, or should no longer be a beneficiary of refugee status for the reasons set out in paragraph 1. The beneficiary of the refugee status <u>shall remain present and available during the withdrawal procedure.</u></p>
<p>5. Decisions of the determining authority revoking, ending or refusing to renew refugee status pursuant to point (a) of paragraph 1 shall only take effect</p>	<p>Amendment 103</p> <p>5. Decisions of the determining authority [...] <i>withdrawing</i> refugee status pursuant to point (a) of paragraph 1 shall only take effect three</p>	<p>5. [...]</p>	<p><i>Political</i></p> <p><i>It was discussed at the 30/11 trilogue</i></p> <p><i>To be discussed at the 18/04</i></p>

three months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.	months after the decision is adopted, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.		<i>trilogue (EP could accept the deletion of para (5) if Council accepts EP AM 174)</i>
<i>Article 15 Review of refugee status</i>		<i>Article 15 Review of refugee status</i>	
In order to apply Article 14(1), the determining authority shall review the refugee status in particular:	Amendment 104 In [...] applying Article 14(1), the determining authority [...] may review the refugee status, in particular where information on countries of origin at Union level as referred to in Article 8 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] and common analysis of country of origin information as referred to in Article 10 of that Regulation indicate a significant change in the country of origin which is relevant for the protection needs of the beneficiary.	For the purpose of [...] Article 14(1)(a) [...]the determining authority shall review the refugee status [...] where available common analysis [...] on the situation in specific countries of origin and the guidance notes as referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum], indicate a significant change in the country of origin which is relevant for the protection needs of the [...] refugee. This is without prejudice to the possibility to review the refugee status on the basis of national and international sources, or on other grounds as deemed appropriate by the	<i>Political It was discussed at the 30/11 trilogue To be discussed at the 18/04 trilogue</i>
(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles	Amendment 105 deleted		<i>Political It was discussed at the 30/11 trilogue</i>

8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant;		determining authority.	
(b) when renewing, for the first time, the residence permit issued to a refugee.	Amendment 106 <i>deleted</i>	(b) [...]	<i>Agreement</i>
	Amendment 107 <i>Paragraph 1 shall not apply to unaccompanied minors, unless it is in their best interests.</i>		<i>Political</i> <i>To be tackled horizontally with all minor related provisions by the EP.</i> <i>The Council cannot accept that if it is not in the best interest of the child, then review is not carried out and the person keeps the international protection status even if the ground does not anymore exist.</i> <i>Further discussions are needed</i>

CHAPTER V		CHAPTER V	
QUALIFICATION FOR SUBSIDIARY PROTECTION		QUALIFICATION FOR SUBSIDIARY PROTECTION	
<i>Article 16</i> <i>Serious harm</i>		<i>Article 16</i> <i>Serious harm</i>	
Serious harm as referred to in Article 2 (5), consists of:	Amendment 108 Serious harm as referred to in Article 2 (5), consists <i>solely</i> of:	Serious harm as referred to in Article 2 (5), consists of:	<i>Technical</i> <i>Agreement on COM/Council text at the 12/12 trilogue (word "solely" to be deleted):</i> Serious harm as referred to in Article 2 (5), consists of:
(a) the death penalty or execution; or		(a) the death penalty or execution; or	<i>Agreement</i>
(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or	Amendment 109 <i>(Does not affect the English version.)</i>	(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or	<i>Agreement</i>
(c) a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	Amendment 110 (c) a serious [...] threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	(c) a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.	<i>Political, with technical preparatory work</i> <i>Possible compromise:</i> (c) a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed

			conflict.
<i>Article 17 Cessation</i>		<i>Article 17 Cessation</i>	
1. A third-country national or a stateless person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.		1. [...]A beneficiary of subsidiary protection status shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of [...] this status have ceased to exist or have changed to such a degree that protection is no longer required.	<i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i> 1. [...]A beneficiary of subsidiary protection status shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of [...] this status have ceased to exist or have changed to such a degree that protection is no longer required.
2. The determining authority:		2. In order to assess whether the circumstances, which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required, [...] the determining authority shall:	<i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i> 2. In order to assess whether the circumstances, which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required, [...] the determining authority shall:
(a) shall have regard whether the change in circumstances is of such a significant and non-		(b[...])[...] have regard to whether the change in circumstances is of such a significant and non-	<i>Technical</i> <i>Agreement on the Council's text at the 12/12 trilogue:</i>

<p>temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm;</p>		<p>temporary nature that the [...]beneficiary of subsidiary protection status no longer faces a real risk of serious harm;</p>	<p>(b[...]) [...] have regard to whether the change in circumstances is of such a significant and non-temporary nature that the [...]beneficiary of subsidiary protection status no longer faces a real risk of serious harm;</p>
<p>(b) shall base itself on precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.</p>	<p>Amendment 111 (b) shall [...] take into account precise and up-to-date information obtained from all relevant sources, including Union level country of origin information and the common analysis on country of origin information as referred in Articles 8 and 10 of the Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] or information and guidance issued by the United Nations High Commissioner for Refugee.</p>	<p>(a[...])[...] take into account precise and up-to-date information obtained from [...] relevant and available national, Union and international sources, and where available[...]the common analysis on the situation in specific countries of origin and the guidance notes referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX[Regulation on the European Union Agency for Asylum][...].</p>	<p><i>Technical</i> <i>Agreement on the Council text at the 12/12 trilogue (reference to Article 8 to be deleted):</i> (a[...])[...] take into account precise and up-to-date information obtained from [...] relevant and available national, Union and international sources, and where available[...]the common analysis on the situation in specific countries of origin and the guidance notes referred to in Article [...] 10 of Regulation (EU) No XXX/XX[Regulation on the European Union Agency for Asylum][...].</p>
		<p>This is without prejudice to the competence of the determining authority to decide on applications for international protection.</p>	<p><i>Technical</i> <i>Agreement on deletion to be confirmed at the 18/04 trilogue</i></p>

<p>3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.</p>		<p>3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.</p>	<p><i>Agreement</i></p>
<p><i>Article 18 Exclusion</i></p>		<p><i>Article 18 Exclusion</i></p>	
	<p>Amendment 112 <i>-1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection if he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.</i></p>		<p><i>Technical</i></p>
<p>1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection where there are serious reasons for considering that:</p>		<p>1. A third-country national or a stateless person shall be excluded from being eligible for subsidiary protection where there are serious reasons for considering that:</p>	<p><i>Agreement</i></p>

<p>(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;</p>		<p>(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;</p>	<p><i>Agreement</i></p>
<p>(b) he or she has committed a serious crime;</p>	<p>Amendment 113 (b) he or she has committed a serious <i>non-political</i> crime <i>outside the country of protection prior to his or her admission as a beneficiary of subsidiary protection;</i></p>	<p>(b) he or she has committed a serious crime;</p>	<p><i>Political</i></p> <p><i>Commission's compromise proposal:</i></p> <p>(b) he or she has committed a serious <i>non-political</i> crime <i>outside the country of protection prior to his or her admission as a beneficiary of person eligible for subsidiary protection;</i></p> <p><i>COM suggests to add a recital with the text of the AM plus: "...or has been convicted for a serious crime upon admission"</i></p> <p><i>To be further discussed</i></p> <p><i>Council cannot accept the compromise text proposed above</i></p>
<p>(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles</p>	<p>Amendment 114 (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and</p>	<p>(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles</p>	<p><i>Technical</i></p> <p><i>If agreement on the changes suggested by the EP in relation to Article 12 (deletion of paras (5) and (6), AM 114 could be</i></p>

1 and 2 of the Charter of the United Nations;	Articles 1 and 2 of the Charter of the United Nations, <i>including convictions on the grounds of participation in the activities of a terrorist group</i> ;	1 and 2 of the Charter of the United Nations;	<i>dropped.</i> <i>Further discussions are needed</i> <i>Linked to outcome of Art. 12, to be discussed at the 18/04 trilogue</i>
(d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present;		(d) he or she constitutes a danger to the community or to [...]national security[...];	<i>Technical</i> <i>EP can accept Council's amendment.</i> <i>Agreement on the Council text to be confirmed at the 18/04 trilogue</i>
(e) he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of points (a), (b) and (c) which would be punishable by imprisonment if they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.		(e) [moved to paragraph (2a)].	<i>Technical</i> <i>EP could accept Council's change, however related to outcome on entire Article</i> <i>Further discussions are needed</i>
	Amendment 115 <i>The determining authority may apply this paragraph only after it has undertaken, for each individual case, an assessment of the specific facts brought to its attention, with a view to</i>		<i>Technical</i> <i>What will be agreed on the equivalent provisions in Article 12, will be applicable here as well.</i> <i>Linked to outcome of Art. 12, to be discussed at the 18/04 trilogue</i>

	<i>determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of points (a), (b), (c), (d) or (e) of the first subparagraph.</i>		
	Amendment 116 <i>1a. Paragraph 2 shall not apply to minors.</i>		<i>Political</i> <i>What will be agreed on the equivalent provisions in Article 12, will be applicable here as well.</i>
2. Points (a) to (d) of paragraph 1 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.	Amendment 117 2. Points (a) to (d) of paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.	2. [...]Paragraph 1 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.	<i>Technical</i> <i>Agreement (para number in square brackets)</i> 2. [...] Paragraph [1 or 2] shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.
		2a. A third-country national or a stateless person may be excluded from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of points (a), (b) and (c) of paragraph 1 which	<i>Technical</i> <i>EP could accept Council's change, however related to outcome on entire Article</i> <i>Further discussions are needed</i>

		would be punishable by imprisonment if they had been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.	
CHAPTER VI		CHAPTER VI	
SUBSIDIARY PROTECTION STATUS		SUBSIDIARY PROTECTION STATUS	
<i>Article 19 Granting of subsidiary protection status</i>		<i>Article 19 Granting of subsidiary protection status</i>	
The determining authority shall grant subsidiary protection status to a third-country national or a stateless person who is eligible for subsidiary protection in accordance with Chapters II and V.		The determining authority shall grant subsidiary protection status to a third-country national or a stateless person who is eligible for subsidiary protection in accordance with Chapters II and V.	<i>Agreement</i>

<p style="text-align: center;"><i>Article 20</i> Revocation of, ending of or refusal to renew subsidiary protection status</p>	<p>Amendment 118 - <i>(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)</i></p> <p style="text-align: center;"><i>Article 20</i> [...] Withdrawal of subsidiary protection status</p>	<p style="text-align: center;"><i>Article 20</i> [...] <u>Withdrawal of subsidiary protection status</u></p>	<p style="text-align: center;"><i>Agreement</i></p>
<p>1. The determining authority shall revoke, end or refuse to renew the subsidiary protection status of a third-country national or a stateless person where :</p>	<p>Amendment 119</p> <p>1. The determining authority shall [...] withdraw the subsidiary protection status of a third-country national or a stateless person where :</p>	<p>1. The determining authority shall [...] withdraw the subsidiary protection status of a third-country national or a stateless person where:</p>	<p style="text-align: center;"><i>Technical</i> <i>Agreement at the 12/12 trilogue</i></p>
<p>(a) he or she has ceased to be eligible for subsidiary protection in accordance with Article 17;</p>		<p>(a) he or she has ceased to be eligible for subsidiary protection in accordance with Article 17;</p>	<p style="text-align: center;"><i>Agreement</i></p>
<p>(b) after having been granted subsidiary protection status, he or she should have been or is excluded from being eligible for subsidiary protection in accordance with Article 18;</p>		<p>(b) after having been granted subsidiary protection status, he or she should have been or is excluded from being eligible for subsidiary protection in accordance with Article 18;</p>	<p style="text-align: center;"><i>Agreement</i></p>
<p>(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection</p>	<p>Amendment 120</p> <p>(c) his or her misrepresentation or omission of facts [...] relevant to the merits of the application for international protection was decisive for the</p>	<p>(c) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of</p>	<p style="text-align: center;"><i>Technical</i> <i>Possible compromise text:</i> (c) his or her misrepresentation, including the use of false documents, or</p>

status;	granting of subsidiary protection status;	subsidiary protection status;	omission of facts, [...] was decisive for the granting of subsidiary protection status; <i>Agreement to be confirmed at the 18/04 trilogue.</i>
(d) Article 23(2) is applied.	Amendment 121 <i>deleted</i>	(d) Article 23(2) is applied.	<i>Political</i> <i>Consequential to the discussion on 23 (2) .</i>
2. Without prejudice to the duty of the third-country national or stateless person pursuant to Article 4(1) to disclose all relevant facts and provide all relevant documentation at his or her disposal, the Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraph 1 of this Article.	Amendment 122 2. Without prejudice to the duty of the third-country national or stateless person pursuant to Article 4(1) to disclose all [...] <i>the elements available to him or her which substantiate the application for international protection</i> , the Member State which has granted the subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraph 1 of this Article.	2. During the withdrawal procedure, the beneficiary of the subsidiary protection status shall [...] disclose all relevant facts and provide all relevant documentation at his or her disposal, and cooperate fully with the determining authority and with other competent authorities throughout the procedure, [...] whereas the determining authority which has granted subsidiary protection status shall, on an individual basis, demonstrate that the person concerned has ceased to be [...]eligible for subsidiary protection, should have never been granted subsidiary protection status or should no longer be a beneficiary	<i>Political, with technical preparatory work.</i> <i>It was discussed in the trilogue on 12/12</i> <i>Possible compromise proposal:</i> 2. The determining authority which granted subsidiary protection status shall, on an individual basis, demonstrate that the beneficiary of the subsidiary protection status has ceased to be eligible for subsidiary protection, should have never been granted subsidiary protection status, or should no longer be a beneficiary of subsidiary protection status for the reasons

		of subsidiary protection status in accordance with paragraph 1 of this Article.	set out in paragraph 1. <u>The beneficiary of the subsidiary protection status shall remain present and available during the withdrawal procedure</u>
3. Decisions of the determining authority revoking, ending or refusing to renew subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.	Amendment 123 3. Decisions of the determining authority [...] withdrawing subsidiary protection status pursuant to paragraph 1 (a) shall only take effect three months after the decision is taken, in order to provide the third-country national or stateless person with the opportunity to apply for residence in the Member State on other grounds in accordance with relevant Union and national law.	3. [...]	<i>Political</i> <i>To be discussed at the 18/04 trilogue (EP could accept the deletion of para (3) if Council accepts EP AM 174)</i>
<i>Article 21 Review of the subsidiary protection status</i>		<i>Article 21 Review of the subsidiary protection status</i>	
In order to apply Article 20(1), the determining authority shall review the subsidiary protection status in particular	Amendment 124 In [...] applying Article 20(1), the determining authority [...] may review the subsidiary protection status in particular where information on countries of origin at Union level as referred to in Article 8 of Regulation (EU) No	[...] For the purpose of Article 20(1)(a), the determining authority shall review the subsidiary protection status, [...] where available common analysis [...] on the situation in specific countries of origin and the guidance notes	<i>Political</i> <i>What will be agreed on the equivalent provisions in Article 15, will be applicable here as well.</i> <i>It was discussed at the 30/11 trilogue</i> <i>To be discussed at the 18/04</i>

	<i>XXX/XX [Regulation on the European Union Agency for Asylum] and common analysis of country of origin information as referred to in Article 10 of that Regulation indicate a significant change in the country of origin which is relevant for the protection needs of the beneficiary.</i>	as referred to in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the [...] beneficiary of subsidiary protection status. This is without prejudice to the possibility to review the subsidiary protection status on the basis of national and international sources, or on other grounds as deemed appropriate by the determining authority.	<i>trilogue</i>
(a) where Union level country of origin information and common analysis of country of origin information as referred in Articles 8 and 10 of Regulation (EU) No XXX/XX [Regulation on the European Union Agency for Asylum] indicate a significant change in the country of origin which is relevant for the protection needs of the applicant,	Amendment 125 <i>deleted</i>		<i>Political</i> <i>What will be agreed on the equivalent provisions in Article 15, will be applicable here as well.</i>
(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.	Amendment 126 <i>deleted</i>	(b) [...]	<i>Agreement</i>
	Amendment 127 <i>Paragraph 1 shall not apply to unaccompanied minors, unless it is in their best interests.</i>		<i>Political</i> <i>What will be agreed on the equivalent provisions in Article 15, will be applicable here as well.</i>

CHAPTER VII		CHAPTER VII	
CONTENT OF INTERNATIONAL PROTECTION RIGHTS AND OBLIGATIONS OF BENEFICIARIES OF INTERNATIONAL PROTECTION		CONTENT OF INTERNATIONAL PROTECTION RIGHTS AND OBLIGATIONS OF BENEFICIARIES OF INTERNATIONAL PROTECTION	
SECTION I <i>COMMON PROVISIONS</i>		SECTION I <i>COMMON PROVISIONS</i>	
<i>Article 22 General rules</i>		<i>Article 22 General rules</i>	
1. Refugees and persons who have been granted subsidiary protection status shall have the rights and obligations laid down in this Chapter. This Chapter shall be without prejudice to the rights and obligations laid down in the Geneva Convention.	Amendment 128 1. [...] <i>Without prejudice to the rights and obligations laid down in [...] the Geneva Convention, beneficiaries of international protection shall have the rights and obligations laid down in [...]this Chapter.</i>	1. Refugees and [...] and [...]beneficiaries of subsidiary protection status shall have the rights and obligations laid down in this Chapter. This [...] shall be without prejudice to the rights and obligations laid down in the Geneva Convention.	<i>Technical</i> <i>Possible compromise text:</i> [...] Without prejudice to the rights and obligations laid down in [...] the Geneva Convention, beneficiaries of international protection shall have the rights and obligations laid down in [...]this Chapter. <i>Agreement to be confirmed at the 18/04 trilogue.</i>

<p>2. This Chapter shall apply both to refugees and persons eligible for subsidiary protection unless otherwise indicated.</p>		<p>2. [...]</p>	<p><i>Technical</i> <i>Agreement on deletion to be confirmed at the 18/04 trilogue</i></p>
<p>3. Within the limits set by international obligations, granting of benefits with regard to access to employment, social security shall require the prior issuing of a residence permit.</p>	<p>Amendment 129 <i>deleted</i></p>	<p>3. [...] Beneficiaries of international protection shall have access to rights provided in accordance with the provisions of this Chapter once international protection is granted.</p>	<p><i>Technical</i> <i>Agreement on Council's text to be confirmed at the 18/04 trilogue:</i> 3. [...] Beneficiaries of international protection shall have access to rights provided in accordance with the provisions of this Chapter once international protection is granted.</p>
			<p><i>The EP suggests the following compromise in order to accomodate AM 139 under article 26(1) (linked to recital (37c)).</i></p> <p><u>(3a) In order to ensure that beneficiaries of international protection have effective access to the rights referred to in this Chapter, the final decision of the determining authority granting international protection shall constitute a document entitling the beneficiaries of international protection to access those rights until such time as a residence</u></p>

			<p><u>permit has been issued to that beneficiary of international protection.</u></p>
<p>4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.</p>	<p>Amendment 130</p> <p>4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with [...] children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.</p>	<p>4. [...]When applying the provisions of this Chapter, where it is established that a person[...]has special needs, such as a minor[...], an unaccompanied minor[...], [...]a person with a disability, [...]an elderly person, a pregnant [...] woman, a single parent[...] with a minor child[...], a victim[...] of [...]trafficking in human beings, a person with a serious illness, a person[...] with a mental disorder[...] or a person[...] who has[...] been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, his or her special needs [...] shall be taken into account [...].</p>	<p><i>Technical</i></p> <p><i>EP to check whether could accept Council's text (singular form)</i></p> <p><i>Possible compromise text:</i></p> <p>[...]When applying the provisions of this Chapter, where it is established that a person[...]has special needs, such as a minor[...], an unaccompanied minor[...], [...]a person with a disability, [...]an elderly person, a pregnant [...] woman, a single parent[...] with a minor or dependent child[...], a victim[...] of [...]trafficking in human beings, a person with a serious illness, a person[...] with a mental disorder[...] or a person[...] who has[...] been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, his or her special needs [...] shall be taken into account [...].</p> <p><i>Future discussions are needed,</i></p>

			<i>(including between the legal services). See COM's proposed drafting for recital (16)</i>
5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the relevant authorities.	Amendment 131 5. When applying [...] this Regulation , the best interests of the child shall be a primary consideration [...] for Member States .	5. When applying the provisions of this Chapter that involve minors the best interests of the child shall be a primary consideration to the [...] competent authorities.	<i>Technical</i> <i>Council to check whether the first EP addition is acceptable.</i> <i>EP to check how this provision is related to all other provisions regarding minors.</i> <i>EP confirms that "competent authorities" is acceptable.</i>

	Amendment 132 <i>Article 22a</i>		
	Amendment 132 <i>Member States shall ensure that any decisions taken by the determining authority under Chapters II, III, IV, V and VI of this Regulation may be subject to an appeal under procedures laid down in national law. At least in the last instance the possibility of an appeal or a review, in fact and law, before a judicial authority shall be granted.</i>		<i>Technical</i> <i>EP to make a new proposal.</i> <i>Further discussions are needed</i> <i>EP proposes the following text:</i> In accordance with Chapter V of the [Asylum Procedures Regulation], Member States shall ensure that decisions taken by the determining authorities under Chapters II-VI of this Regulation may be subject to appeal, at least in the final instance, before a judicial authority.
<i>Article 23</i> Protection from refoulement		<i>Article 23</i> Protection from refoulement	
1. Member States shall respect the principle of non-refoulement in accordance with their international obligations.		1. [...] The principle of non-refoulement shall be respected in accordance with Union and international law.	<i>Provisional agreement to be confirmed on the 18/04 trilogue</i>
2. Where not prohibited by the international obligations referred to	Amendment 133 <i>deleted</i>	2. Where not prohibited by the [...] obligations referred to in the	<i>Political</i> <i>It was discussed at the 12/12 trilogue</i>

in paragraph 1, refugee or a beneficiary of subsidiary protection may be refused, whether formally recognised or not, when:		previous paragraph[...], a[...]third country national or stateless person falling within the scope of this Regulation may be refused [...] provided that:	<i>To be discussed at the 18/04 trilogue (EP to accept Council's text on points (d) and (e) of Art. 14 (2) if Council accepts deleting 23 (2)).</i>
(a) there are reasonable grounds for considering him or her as a danger to the security of the Member State in which he or she is present;	Amendment 133 <i>deleted</i>	(a) there are reasonable grounds for considering him or her as a danger to [...] national security[...]; or	<i>Political</i> <i>It was discussed at the 12/12 trilogue</i>
(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community of that Member State.	Amendment 133 <i>deleted</i>	(b) he or she, having been convicted by a final judgment of a particularly serious crime constitutes a danger to the community[...].	<i>Political</i> <i>It was discussed at the 12/12 trilogue</i>
In those cases the refugee status or the subsidiary protection status shall also be withdrawn in accordance with Article 14 or Article 20 respectively.	Amendment 133 <i>deleted</i>	[...].	<i>Agreement</i>
<i>Article 24 Information</i>		<i>Article 24 Information</i>	
The competent authorities shall provide beneficiaries of international protection with	Amendment 134 The competent authorities shall provide beneficiaries of international protection with	The competent authorities shall provide beneficiaries of international protection with	<i>Technical</i> <i>Provisional Agreement on the principle of an Annex to be confirmed at the 18/04 trilogue.</i>

<p>information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union.</p>	<p>information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand [...] and shall make explicit references to the consequences of not complying with the obligations outlined in Article 28 on movement within the Union and to all the rights related to integration set out in Section III of Chapter VII of this Regulation.</p>	<p>information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after international protection[...] has been granted. That information, as specified in Annex II, shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 29 [...] on movement within the Union.</p>	<p><i>Final agreement pending on the content of Annex II:</i></p> <p>The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after international protection has been granted. That information, as specified in Annex II, shall be provided in a language that the beneficiary can understand or is reasonably supposed to understand and shall make explicit references to the consequences of not complying with the obligations outlined in Article 29 [...] on movement within the Union.</p>
<p>The form and content of that information shall be determined by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 58 (1) of Regulation (EU)XXX/XXX [Procedures regulation].</p>	<p>Amendment 135 [...] <i>The Commission is empowered to adopt delegated acts in accordance with Article 42 in order to supplement this Regulation by specifying the form and content of [...] the information [...] to be provided in accordance with the [...] first subparagraph.</i></p>	<p>[...]</p>	<p><i>Technical</i> <i>Provisional Agreement on deletion to be confirmed on the 18/04 trilogue. Final agreement pending on the agreement on content of Annex II</i></p>

<p style="text-align: center;"><i>Article 25</i> Maintaining family unity</p>		<p style="text-align: center;"><i>Article 25</i> Maintaining family unity</p>	
<p>1. Family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.</p>	<p>Amendment 136</p> <p>1. <i>For the purposes of this Article and subject to its provisions, family members, as defined in Article 2(9), shall also include the siblings of the beneficiary of international protection. Those family [...]</i> members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to claim a residence permit in accordance with national procedures and insofar as this is compatible with the personal legal status of the family member.</p>	<p>1. Family members of a beneficiary of international protection who do not individually qualify for such protection shall be entitled to apply for [...] a residence permit in the Member State that granted international protection to the beneficiary. A residence permit shall be issued to family members to whom paragraphs 3 or 4 of this Article do not apply in accordance with national procedures, and insofar as this is compatible with the personal legal status of the family member.</p>	<p><i>Political (addition to the definition of family members)</i></p> <p><i>Technical (changes in Council text)</i></p> <p><i>Possible compromise text (clarification of the right of the family member to be issued a residence permit):</i></p> <p>1. Family members of a beneficiary of international protection who do not individually qualify for such protection [...] and who apply for a residence permit in the Member State that granted international protection to the beneficiary shall be issued a residence permit in that Member State in accordance with national procedures, when paragraphs 3 or 4 of this Article do not apply, and insofar as this is compatible with the personal legal status of the family member.</p> <p><i>Council can accept this text.</i></p> <p><i>Possible compromise text on the best interest of a married minor (to be read together with new</i></p>

			<p><i>proposals on Article 2 (9) (b), (ba) and (c):</i></p> <p>Where the beneficiary of international protection of the family member is a married minor and he or she is not accompanied by his or her spouse, a residence permit may only be issued when it is in his or her best interests.</p> <p><i>Rapporteur proposes not to accept Commission's proposal above considering the addition in 2(9) and the reference to best interest of the child in Recital 46 are sufficient.</i></p> <p><i>Paragraph 1 to be finalised once the issue of siblings has been resolved.</i></p>
<p>2. A residence permit issued pursuant to paragraph 1 shall have the duration of the residence permit issued to the beneficiary of international protection and shall be renewable. The period of validity of the residence permit granted to the family member shall in principle not extend beyond the date of expiry of the residence permit held by the beneficiary of</p>		<p>2. A residence permit issued pursuant to paragraph 1 shall have the same[...] validity as the residence permit issued to the beneficiary of international protection and shall be renewable for as long as the residence permit issued to the beneficiary of international protection is renewed. The period of validity of the residence permit granted to the</p>	<p><i>Technical</i></p> <p><i>Possible compromise text:</i></p> <p><u>2. A residence permit issued pursuant to paragraph 1 shall have the [...] same date of expiry as the residence permit issued to the beneficiary of international protection and shall be renewable for as long as the residence permit issued to the beneficiary</u></p>

international protection.		family member shall [...] not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.	<u>of international protection is renewed.</u> The period of validity of the residence permit granted to the family member shall [...] not extend beyond the date of expiry of the residence permit held by the beneficiary of international protection.
3. No residence permit shall be issued for a family member where that family member is or would be excluded from international protection pursuant to Chapters III and V.		3. No residence permit shall be issued under this Regulation [...] to a family member [...] who is or would be excluded from international protection pursuant to Chapters III and V.	<i>Provisional agreement to be confirmed at trilogue on 18/04</i>
	Amendment 137 <i>3a. Member States may refuse to issue a residence permit to a spouse or unmarried partner in a stable relationship where it is shown that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the Member State.</i>		<i>Technical</i> <i>Possible compromise text:</i> <u>3a. A residence permit shall not be issued to a spouse or unmarried partner in a stable relationship where there are strong indications that the marriage or partnership was contracted for the sole purpose of enabling the person concerned to enter or reside in the Member State.</u>
4. Where reasons of national		4. Where reasons of national	<i>Provisional agreement to be</i>

<p>security or public order so require, a residence permit shall not be issued for a family member and such residence permits which have already been issued shall be withdrawn or shall not be renewed.</p>		<p>security or public order related to the person concerned so require, a residence permit shall not be issued [...] to [...] that family member, and such residence permits which have already been issued shall be withdrawn or shall not be renewed.</p>	<p><i>confirmed at trilogue on 18/04</i></p>
<p>5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 27 to 39.</p>		<p>5. Family members who are issued a residence permit pursuant to paragraph 1 shall be entitled to the rights referred to in Articles 28[...] to 35 and 37 to 38[...].</p>	<p><i>Technical</i></p>
<p>6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.</p>	<p>Amendment 138</p> <p>6. Member States may decide that this Article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States [...].</p>	<p>6. Member States may decide that this article also applies to other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States, and who were wholly or mainly dependent on the beneficiary of international protection at the time.</p>	<p><i>Technical</i></p> <p><i>Possible compromise text reflecting discussions on the inclusion of siblings and married minors:</i></p> <p>6. Member States may decide that this article also applies to siblings, or other close relatives who lived together as part of the family at the time of leaving the country of origin or before the applicant arrived on the territory of the Member States and who were wholly or mainly dependent on the beneficiary of international protection at the time. Where the close relative of the beneficiary of international protection is a</p>

			<p>married minor and he or she is not accompanied by his or her spouse, a residence permit may be issued when it is in his or her best interests.</p> <p><i>Council could agree if the text is further clarified.</i></p> <p><i>The discussion on this paragraph depends on the outcome of discussions on 2(9) and 25(1).</i></p>
<p>SECTION II <i>RIGHTS AND OBLIGATIONS RELATED TO RESIDENCE AND STAY</i></p>		<p>SECTION II <i>RIGHTS AND OBLIGATIONS RELATED TO RESIDENCE AND STAY</i></p>	
<p><i>Article 26</i> <i>Residence permits</i></p>		<p><i>Article 26</i> <i>Residence permits</i></p>	
<p>1. No later than 30 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.</p>	<p>Amendment 139</p> <p>1. <i>As soon as possible and in any event</i> no later than [...] 15 days after international protection has been granted, a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002.</p>	<p>1. As soon as possible after international protection has been granted, and within 90 days from the notification of the decision at the latest,[...] a residence permit shall be issued using the uniform format as laid down in Regulation (EC) No 1030/2002 and shall have the following validity periods:[...]</p>	<p><i>Political</i></p> <p><i>Linked to EP proposal for 22(3a)</i></p>
	Amendment 139		<i>Political</i>

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of three years and be renewable thereafter for periods of three years.	<i>The residence permit</i> for beneficiaries of [...] <i>international protection</i> shall have a period of validity of [...] <i>five</i> years and be renewable thereafter for periods of [...] <i>five</i> years.	a) For beneficiaries of refugee status, that[...] residence permit shall have a period of validity[...] between three and ten years, as determined by national law, and shall be renewable [...].	
(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of one year and be renewable thereafter for periods of two years.	<i>deleted</i>	b) For beneficiaries of subsidiary protection status, that[...] residence permit shall have a period of validity [...] between one and five years, as determined by national law, and shall be renewable [...]	<i>Political</i>
2. A residence permit shall not be renewed or shall be revoked in the following cases:	Amendment 140 2. <i>Without prejudice to Council Directive 2003/109/EC, a</i> residence permit shall not be renewed or shall be revoked in the following cases:	2. A residence permit shall not be renewed or shall be revoked [...] where:	<i>Technical</i>
(a) where competent authorities revoke, end or refuse to renew the refugee status of a third-country national in accordance with Article 14 and the subsidiary protection status in accordance with Article 20;	Amendment 141 (a) where competent authorities [...] <i>withdraw</i> the refugee status of a third-country national in accordance with Article 14 <i>or</i> the subsidiary protection status in accordance with Article 20;	a) [...] competent authorities [...] withdraw the refugee status [...] in accordance with Article 14 [...] or the subsidiary protection status in accordance with Article 20;	<i>Technical</i>
(b) where Article 23(2) is applied;	Amendment 142 <i>deleted</i>	b) [...]Article 23(2) is applied;	<i>Political</i> <i>Consequential to the discussion on</i>

			23 (2)
(c) where reasons of national security or public order so require.	Amendment 143 (c) where compelling reasons of national security or public order so require.	c) where compelling reasons of national security or public order related to the person concerned so require.	<i>Technical</i>
3. When applying Article 14(5) and 20(3), the residence permit shall only be revoked after the expiry of the three month period referred to in those provisions.		3. [...]	<i>Political</i> <i>Linked to the outcome of discussions on Art. 14(5) and 22(3a)</i>
<i>Article 27</i> <i>Travel document</i>		<i>Article 27</i> <i>Travel document</i>	
1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/2004 ³⁵ . Those travel documents shall be valid for at least one year.	Amendment 144 1. Competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/2004 ³⁶ . Those travel documents shall be valid for at least [...] five years .	1. Unless compelling reasons of national security or public order related to the person concerned so require , competent authorities shall issue travel documents to beneficiaries of refugee status, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics	<i>Political, with technical preparatory work</i> <i>Possible compromise, to which a safeguard would be added (withdrawal with status, following model of Art. 26(2)(a)):</i> <u>1. Unless compelling reasons of national security or public order related to the person concerned so require, competent authorities shall issue travel documents to</u>

³⁵ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1)

³⁶ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1)

		outlined in Council Regulation (EC) No 2252/2004 ³⁷ . Those travel documents shall be valid for at least one year.	<u>beneficiaries [...] of international protection, in the form set out in the Schedule to the Geneva Convention and with the minimum security features and biometrics outlined in Council Regulation (EC) No 2252/2004³⁸. Those travel documents shall be valid for [...] more than one year.</u>
2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least one year.	Amendment 145 2. Competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain a national passport. Those documents shall be valid for at least [...] <i>five years</i> .	2. Unless compelling reasons of national security or public order related to the person concerned so require , competent authorities shall issue travel documents with the minimum security features and biometrics outlined in Regulation (EC) No 2252/2004 to beneficiaries of subsidiary protection status who are unable to obtain or renew a national passport. Those travel documents shall be valid for at least one year.	<i>Deletion: merged with par. 1</i>
3. The documents referred to	Amendment 146 3. The documents referred to	3. [...] In the exercise of	<i>Agreement on the Council text to be confirmed at the 18/04 trilogue</i>

³⁷ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

³⁸ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

<p>in paragraphs 1 and 2 shall not be issued where compelling reasons of national security or public order so require.</p>	<p>in paragraphs 1 and 2 shall not be issued where compelling reasons of national security [...] so require.</p>	<p>their obligations set out in paragraphs 1 and 2, competent authorities of Member States which do not take part in the Schengen acquis shall issue travel documents to beneficiaries of refugee status in the form set out in the Schedule to the Geneva Convention and to beneficiaries of subsidiary protection status who are unable to obtain or renew a national passport, with minimum security features and biometrics equivalent to those outlined in Regulation (EC) 2252/2004, taking into account the specifications of the International Civil Aviation Organisation (ICAO), in particular those set out in Document 9303 on machine readable travel documents.</p>	<p>3. [...] In the exercise of their obligations set out in paragraphs 1 and 2, competent authorities of Member States which do not take part in the Schengen acquis shall issue travel documents to beneficiaries of refugee status in the form set out in the Schedule to the Geneva Convention and to beneficiaries of subsidiary protection status who are unable to obtain or renew a national passport, with minimum security features and biometrics equivalent to those outlined in Regulation (EC) 2252/2004, taking into account the specifications of the International Civil Aviation Organisation (ICAO), in particular those set out in Document 9303 on machine readable travel documents.</p>
<p><i>Article 28 Freedom of movement within the Member State</i></p>		<p><i>Article 28 Freedom of movement within the Member State</i></p>	
<p>1. Beneficiaries of</p>	<p>Amendment 147 1. Beneficiaries of</p>	<p>1. Beneficiaries of</p>	<p><i>Technical</i></p>

international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories who are in a comparable situation.	international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories [...].	international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories who are in a comparable situation.	
2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection who receives certain specific social security or social assistance benefits only where those residence conditions are necessary to facilitate the integration of the beneficiary in the Member State that has granted that protection.	Amendment 148 <i>deleted</i>	2. Within the limits set by international obligations, residence conditions may be imposed on a beneficiary of international protection [...] where those residence conditions are necessary to facilitate the integration of the beneficiary in the Member State that has granted [...] him or her international protection.	<i>Political</i>
<i>Article 29</i> <i>Movement within the Union</i>		Article 29 Movement within the Union	
1. Beneficiaries of international protection shall not have the right to reside in Member	Amendment 149 1. Beneficiaries of international protection shall not have the right to reside in Member	1. Beneficiaries of international protection shall not have the right to reside in Member	<i>Technical</i> <i>Possible compromise text:</i> <u>1. Beneficiaries of international protection shall not</u>

<p>States other than the one which granted protection. This is without prejudice to their right to apply and be admitted to reside in other Member States pursuant to relevant provisions of Union and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.</p>	<p>States other than the one which granted protection. This is without prejudice to their right to apply and be admitted to reside in other Member States pursuant to relevant provisions of Union <i>law</i>, including Council Directive 2009/50/EC³⁹ and national law and their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.</p>	<p>States other than the one which granted them international protection. This is without prejudice to their right to apply and be admitted to reside in another Member State[...] pursuant to that Member State's national law or pursuant to relevant provisions of Union law or of international agreements, [...]or their right to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.</p>	<p><u>have the right to reside in Member States other than the one which granted them international protection. This is without prejudice to their right</u> <u>- to apply and be admitted to reside in another Member State[...] pursuant to that Member State's national law or pursuant to relevant provisions of Union law or of international agreements; [...]</u> <u>- to move freely in accordance with the conditions of Article 21 of the Convention Implementing the Schengen Agreement.</u></p>
<p>2. Where a beneficiary is found in a Member State other the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, he will be subject to a take back procedure as defined under Article 20(1)(e) of the Dublin Regulation (EU) no. xxx/xxx.</p>		<p>[2. Where a beneficiary is found in a Member State other than the one [...] which granted him or her [...] international protection without a right to stay or the right to reside there in accordance with that Member State's national law, or pursuant to relevant provisions of Union law, and of international agreements[...], he or she will be subject to a take back procedure as</p>	

³⁹

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p. 17).

		defined under Article 20(1)(e) of the Dublin Regulation (EU) no. xxx/xxx.]	
SECTION III RIGHTS RELATED TO INTEGRATION		SECTION III RIGHTS RELATED TO INTEGRATION	
<i>Article 30 Access to employment</i>		<i>Article 30 Access to employment</i>	
1. Beneficiaries of international protection shall have the right to engage in employed or self-employed activities subject to the rules generally applicable to the profession and to the public service, immediately after protection has been granted.		1. Beneficiaries of international protection shall have the right to engage in employed or self-employed activities subject to the rules generally applicable to the profession and to the public service, immediately after protection has been granted.	<i>Agreement</i>
2. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards:		2. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards:	<i>Technical Agreement on Council text to be confirmed at the 18/04 trilogue: 2. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards:</i>
(a) working conditions,	Amendment 150 (a) working conditions,	a) terms of employment	<i>Technical</i>

including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;	including pay and dismissal, working hours, leave and holidays, family leave as well as health and safety requirements at the workplace;	including the minimum working age and working conditions, including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;	<i>Possible compromise text:</i> a) terms of employment including the minimum working age and working conditions, including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;
(b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;	Amendment 151 (b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations;	b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;	<i>Possible compromise text:</i> b) freedom of association and affiliation, and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations;
(c) employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience;	Amendment 152 (c) education and employment-related education opportunities, vocational training, including training courses for upgrading skills, practical workplace experience;	c) employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience;	<i>Possible compromise text:</i> c) employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience;
(d) advice services afforded by employment offices.	Amendment 153 (d) advice and follow-up services afforded by employment offices.	d) advice services afforded by employment offices.	<i>Possible compromise text:</i> d) information and counselling [...] services afforded by <u>employment offices.</u>
	Amendment 154		

<p>3. Competent authorities, where necessary shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).</p>	<p>3. Competent authorities [...] shall facilitate full access to the activities referred to in paragraph (2)(c) and (d).</p>	<p>3. Competent authorities, where necessary shall endeavour to facilitate the full access to the activities referred to in points (c) and (d) of paragraph (2).</p>	<p><i>Possible compromise text (revert to COM proposal)</i> <u>3. Competent authorities, where necessary shall facilitate the full access to the activities referred to in points (c) and (d) of paragraph (2) [...].</u></p>
<p><i>Article 31</i> <i>Access to education</i></p>		<p><i>Article 31</i> <i>Access to education</i></p>	
<p>1. Minors granted international protection shall have full access to the education system, under the same conditions as nationals of the Member State that has granted protection.</p>		<p>1. Minors granted international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection with regard to[...] access to the education system [...].</p>	<p><i>Technical</i> <i>Possible compromise text (sentence inspired by RCD text to be added to para (1)):</i> A beneficiary of international protection shall continue to enjoy equal treatment with nationals of the Member State that granted him or her international protection for the completion of secondary education irrespective of whether he or she reaches the age of majority. <i>Agreement to be confirmed at the 18/04 trilogue</i></p>
<p>2. Adults granted international protection shall have access to the general education system, further</p>	<p>Amendment 155 2. Adults granted international protection shall have access to the general education</p>	<p>2. Adults granted international protection shall enjoy equal treatment with third country</p>	<p><i>Possible compromise text (sentence to be added to EP AM 155):</i> 2. Adults granted international</p>

<p>training or retraining, under the same conditions as third-country nationals legally resident in that Member State who are in a comparable situation.</p>	<p>system, further training or retraining, under the same conditions as [...] nationals [...] <i>of the</i> Member State [...] <i>that has granted protection.</i></p>	<p>nationals legally resident in the Member State that has granted them international protection and who are in a comparable situation, with regard to[...] access to the general education system, further training or retraining [...].</p>	<p>protection shall [...] enjoy equal treatment with nationals of the Member State that has granted them international protection, with regard to access to the general education system, further training or retraining [...].</p> <p>Notwithstanding subparagraph 1, competent authorities may refuse grants and loans to adults granted international protection, where this is laid down in national law.</p> <p><i>Agreement to be confirmed at the 18/04 trilogue</i></p>
<p><i>Article 32</i> <i>Access to procedures for recognition of qualifications and validation of skills</i></p>		<p>Article 32 Access to procedures for recognition of qualifications and validation of skills</p>	
<p>1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection in the context of the existing recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications.</p>		<p>1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection in the context of the existing recognition procedures for foreign diplomas, certificates and other evidence of formal qualifications.</p>	<p><i>Technical</i></p> <p><i>Agreement on Council text to be confirmed at the 18/04 trilogue:</i></p> <p>1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection in the context of the existing recognition procedures for foreign</p>

			diplomas, certificates and other evidence of formal qualifications.
2. Competent authorities shall facilitate full access to the procedures mentioned in paragraph 1 to those beneficiaries of international protection who cannot provide documentary evidence of their qualifications without prejudice to Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council ⁴⁰ .		2. Competent authorities shall facilitate full access to the existing procedures mentioned in paragraph 1 to those beneficiaries of international protection who cannot provide documentary evidence of their qualifications, without prejudice to Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council. ⁴¹	<i>Technical</i> <i>Agreement to revert to COM proposal to be confirmed at the 18/04 trilogue:</i> 2. Competent authorities shall facilitate full access to the procedures mentioned in paragraph 1 to those beneficiaries of international protection who cannot provide documentary evidence of their qualifications without prejudice to Articles 2(2) and 3(3) of Directive 2005/36/EC of the European Parliament and of the Council. ⁴²
3. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards access to appropriate schemes for the assessment, validation and accreditation of their prior learning		3. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards access to appropriate and existing schemes for the assessment, validation and [...]	<i>Technical</i> <i>Possible compromise text:</i> <u>3. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards access to appropriate</u>

⁴⁰ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ([OJ L 255, 30.9.2005, p. 22](#)).

⁴¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ([OJ L 255, 30.9.2005, p. 22](#)).

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ([OJ L 255, 30.9.2005, p. 22](#)).

and experience.		recognition of their prior learning outcomes and experience.	<u>schemes for the assessment, validation and [...] recognition of their prior learning outcomes and experience.</u>
<i>Article 33</i> <i>Social security</i>		<i>Article 33</i> <i>Social security</i>	
Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection with regard to social security.		[merged with Article 34]	<i>Technical</i> <i>Agreement on the merger of the two Articles to be confirmed at the 18/04 trilogue</i>
<i>Article 34</i> <i>Social assistance</i>		<i>Article 34</i> <i>Social <u>security and social assistance</u></i>	
1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted protection as regards social assistance.		1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards social security and social assistance .	<i>Agreement to be confirmed at the 18/04 trilogue</i> 1. Beneficiaries of international protection shall enjoy equal treatment with nationals of the Member State that has granted them international protection as regards social security and social assistance .
Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of	Amendment 156 Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of	Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of	<i>Technical</i> <i>See 38(2)</i>

international protection in integration measures.	international protection in integration measures, <i>provided that the integration measures in question are easily accessible, free of charge and take account of the specific needs of the beneficiary of international protection in question.</i>	international protection in integration measures, where such measures are made compulsory in accordance with Article 38 (2).	
2. For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.	Amendment 157 <i>deleted</i>	2. Notwithstanding paragraph 1, for beneficiaries of subsidiary protection status, [...] the provision of equal treatment as regards social assistance may be limited to core benefits.	<i>Political</i> <i>Possible compromise text:</i> 2. Notwithstanding paragraph 1, for beneficiaries of subsidiary protection status, [...] the provision of equal treatment as regards social assistance may be limited to core benefits <u>where so provided in national law.</u> Core benefits shall include at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, including child-care assistance, in so far as those benefits are granted to nationals under national law.
<i>Article 35 Healthcare</i>		<i>Article 35 Healthcare</i>	
1. Beneficiaries of		1. Beneficiaries of	<i>Agreement to be confirmed at the</i>

<p>international protection shall have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted such protection.</p>		<p>international protection shall have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted [...] them international protection.</p>	<p><i>18/04 trilogue</i> 1. Beneficiaries of international protection shall have access to healthcare under the same eligibility conditions as nationals of the Member State that has granted [...] them international protection.</p>
<p>2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.</p>	<p>Amendment 158 2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided <i>with</i> adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.</p>	<p>2. Beneficiaries of international protection who have special needs, such as pregnant women, persons with a disability [...], persons who have [...] been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted them international protection.</p>	<p><i>Agreement to be confirmed at the 18/04 trilogue</i> 2. Beneficiaries of international protection who have special needs, such as pregnant women, persons with a disability [...], persons who have [...] been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided with adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted them international protection.</p>

<p style="text-align: center;"><i>Article 36</i> Unaccompanied minors</p>		<p style="text-align: center;"><i>Article 36</i> Unaccompanied minors</p>	
<p>1. As soon as possible after international protection is granted and within five working days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.</p>	<p>Amendment 159 <i>Where it is not possible to keep the same guardian appointed after the arrival of the unaccompanied minor in the territory of the Union, as soon as possible after international protection is granted and [...] in any case no later than five days [...] thereafter,</i> competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.</p>	<p>1. As soon as possible after international protection is granted [...], competent authorities shall take the necessary measures to [...] appoint a natural person or an organisation, such as a public authority, as a [...] guardian [...] in accordance with national law.</p>	<p><i>Political, with technical preparatory work</i></p>
	<p>Amendment 160 <i>1a. Member States shall ensure that a guardian is not placed in charge of a disproportionate number of unaccompanied minors at the same time that would render him or her unable to perform his or her tasks effectively, and in any case of no more than 20. Member</i></p>		<p><i>Technical</i></p>

	<p><i>States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. To this end, unaccompanied minors shall be given information in a concise, transparent, intelligible and easily accessible form, using clear and plain language both orally and in a visual form, in a child-friendly manner and in a language they understand, about who these entities or persons are and how to file complaints against their guardians in confidence and safety.</i></p>		
<p>Where an organisation is appointed as guardian, it shall as soon as possible designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation.</p>		<p>Where an organisation is appointed as guardian, it shall as soon as possible designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation.</p>	<p><i>Technical</i></p>
		<p>[The representative referred to in Article 22(1)(b) of the [Asylum</p>	

		Procedures Regulation] or in Article 23(1)(b) of the [Reception Conditions Directive] shall remain responsible for the unaccompanied minor until a guardian is appointed.	
		This is without prejudice to the possibility of keeping the representative referred to in Article 22 (1)(b) of the [Asylum Procedures Regulation] or in Article 23 (1)(b) of the [Reception Conditions Directive] as guardian, without the need for a formal re-appointment.]	
2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The appropriate authorities shall regularly assess the performance of the appointed guardian.	Amendment 161 2. The appointed guardian shall have the duty of ensuring that the minor can access all rights stemming from this Regulation. The [...] <i>responsible entities or persons</i> shall [...] assess the performance of the <i>guardian within the first month after his/her appointment, and regularly thereafter.</i>	2. [...] For the purpose of this Regulation the [...] guardian shall:	<i>Technical</i>
		a) [...] ensure that the minor can access all rights stemming from this Regulation;	<i>Technical</i>
		b) where applicable, assist	<i>Technical</i>

		the unaccompanied minor in case of withdrawal of the status; and	
		c) where applicable, assist in family tracing as provided for in paragraph 5.	<i>Technical</i>
		The guardian shall have the necessary expertise, shall receive, where appropriate, training concerning the rights and needs of unaccompanied minors, including those relating to any applicable child safeguarding standards, and shall not have a verified record of child-related crimes and offences, or crimes and offences that lead to serious doubts about their ability to assume a role of responsibility with regards to children.	<i>Technical</i>
		2a. The person acting as guardian shall be changed where necessary, in particular when the competent authorities consider that he or she has not adequately performed his or her tasks. Organisations or natural persons whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardian.	<i>Technical</i>

		2b. The competent authorities shall place a guardian in charge of an adequate and limited number of unaccompanied minors at the same time to ensure that he or she is able to perform his or her tasks effectively.	<i>Technical</i>
		[...] The Member States shall provide that an entity, including a judicial authority or a person to be responsible for supervising and monitoring that guardians perform their tasks in a satisfactory manner. Those entities or persons shall review any complaints lodged by unaccompanied minors against their guardian.	<i>Technical</i>
		The competent authorities shall inform unaccompanied minors in an age appropriate manner and in a language they can reasonably be expected to understand about how to lodge complaints against their guardian in confidence and safety.	<i>Technical</i>
3. Unaccompanied minors shall be placed in one of the following ways:		3. While taking into account the best interests of the child, [...]unaccompanied minors shall be placed in one of the following	<i>Technical</i>

		ways:	
(a) with adult relative;		a) with an adult relative;	<i>Agreement</i>
(b) with a foster family;		b) with a foster family;	<i>Agreement</i>
(c) in centres specialised in accommodation for minors;	Amendment 162 (c) in <i>open</i> centres specialised in accommodation for minors, <i>which take account of their vulnerability and ensure their safety;</i>	c) in centres specialised in accommodation for minors;	<i>Technical</i>
(d) in other accommodation suitable for minors.	Amendment 163 (d) in other <i>open</i> accommodation suitable for minors <i>which takes account of their vulnerability and ensures their safety.</i>	d) in other accommodation suitable for minors.	<i>Technical</i>
The views of the minor shall be taken into account in accordance with his or her age and degree of maturity.		The views of the minor shall be taken into account in accordance with his or her age and degree of maturity.	<i>Agreement</i>
4. As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.		4. As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.	<i>Agreement</i>
	Amendment 164		<i>Technical</i>

<p>5. If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, competent authorities shall start tracing them as soon as possible after the granting of international protection, whilst protecting the minor's best interests. If tracing has already started, it shall be continued where appropriate. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.</p>	<p>5. [...] <i>Tracing</i> of family members [...] <i>of an unaccompanied minor</i> shall start [...] as soon as [...] <i>he or she registers his or her request for international protection</i>. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis <i>so as to avoid jeopardising their safety</i>.</p>	<p>5. If an unaccompanied minor is granted international protection and the tracing of his or her family members has not already started, competent authorities shall start tracing them as soon as possible after the granting of international protection, [...] provided that it is in the minor's best interests. If tracing has already started, it shall be continued where appropriate. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.</p>	
<p>6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No</p>	<p>Amendment 165 6. The persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in Art 22 of Regulation EU No xxx/xxx[Procedures regulation].</p>	<p>6. [moved to paragraph (2)].</p>	<p><i>Technical</i></p>

<p>xxx/xxx[Procedures regulation].</p>	<p><i>Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Regulation. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, shall have the necessary qualifications and expertise to that end and shall not have a criminal record, in particular as regards child-related crimes or offences. The competent authorities shall regularly review the criminal records of appointed guardians in order to identify potential incompatibilities with their role. In order to ensure the minor's well-being and social development, the person acting as guardian shall be changed only where necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.</i></p>		
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<p style="text-align: center;"><i>Article 37</i> <i>Access to accommodation</i></p>		<p style="text-align: center;"><i>Article 37</i> <i>Access to accommodation</i></p>	
<p>1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territories of the Member States who are in a comparable situation.</p>	<p>Amendment 166</p> <p>1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to [...] nationals of the Member <i>State that has granted protection.</i></p>	<p>1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to other third-country nationals legally resident in the territory[...] of the Member State[...]that granted him or her international protection who are in a comparable situation.</p>	<p><i>Political (EP deletion)</i> <i>Technical (added text)</i></p>
<p>2. National dispersal practices of beneficiaries of international protection shall be carried out to the extent possible without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.</p>	<p>Amendment 167</p> <p>2. National dispersal practices of beneficiaries of international protection shall be carried out [...] without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.</p>	<p>2. National dispersal practices of beneficiaries of international protection shall be carried out to the extent possible without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.</p>	<p><i>Technical</i></p> <p><i>Possible compromise text:</i></p> <p><i>National dispersal practices of beneficiaries of international protection shall [...] not subject those beneficiaries to different treatment where such different treatment is not justified, and shall ensure equal opportunities regarding access to accommodation.</i></p> <p><i>Council considers further fine tuning is necessary.</i></p>

<p style="text-align: center;"><i>Article 38</i> <i>Access to integration measures</i></p>		<p style="text-align: center;"><i>Article 38</i> <i>Access to integration measures</i></p>	
<p>1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.</p>	<p>Amendment 168</p> <p>1. In order to <i>promote and</i> facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular [...] civic orientation and integration programs and vocational training, which <i>shall be free of charge and easily accessible and shall</i> take into account their specific needs.</p>	<p>1. In order to facilitate [...] their integration into society, [...] beneficiaries of international protection [...] shall be ensured [...] access to integration measures considered appropriate, provided or facilitated by the Member State [...] that granted him or her international protection, in particular language courses, civic orientation, [...] integration programs and vocational training [...].</p>	<p><i>Technical</i></p> <p><i>Possible compromise text (see also Recital (53)):</i></p> <p>1. In order to encourage and facilitate their integration into the society of the Member State that granted the international protection, [...] beneficiaries of international protection shall have access to integration measures provided or facilitated by the Member State [...] which take into account their specific needs and are considered appropriate by the competent authorities, in particular language courses, civic orientation, [...] integration programs and vocational training [...].</p> <p><i>Agreement to be confirmed at the 18/04 trilogue</i></p>
	<p>Amendment 169</p> <p><i>1a. Member States shall provide beneficiaries of international protection with effective access to language courses, which shall be free of</i></p>		<p><i>Technical</i></p>

	<i>charge, from the date on which they are granted international protection.</i>		
2. Member States may make participation in integration measures compulsory.	Amendment 170 2. Member States may make participation in integration measures compulsory, <i>provided that the integration measures in question are easily accessible, free of charge and take account of the specific needs of the beneficiary of international protection in question.</i>	2. [...] Beneficiaries of international protection shall participate in integration measures where participation is made compulsory in the Member State that granted them international protection. Such integration measures shall be accessible and affordable.	<i>Political, with technical preparatory work</i> <i>Possible compromise text (cross-reference to Art. 34 (1)):</i> 2. [...] Beneficiaries of international protection shall participate in integration measures where participation is made compulsory in the Member State that granted them international protection. Such integration measures shall be accessible and free of charge.
	Amendment 171 <i>2a. Member States shall not apply punitive measures against beneficiaries of international protection where they are unable to participate in integration measures due to circumstances beyond their control or due to the unsuitable nature of the integration measures in question.</i>		<i>Political, with technical preparatory work</i> <i>Possible compromise text:</i> 2a. Competent authorities shall not apply punitive measures against beneficiaries of international protection where they are unable to participate in integration measures due to

			circumstances beyond their control.
<i>Article 39 Repatriation</i>		<i>Article 39 Repatriation</i>	
Assistance shall be provided to beneficiaries of international protection who wish to be repatriated.		[...]	<p><i>Political, with technical preparatory work</i></p> <p>Possible COM's compromise:</p> <p>[...] Beneficiaries of international protection who wish to be repatriated, upon request, shall, where necessary, be provided with assistance in accordance with procedures provided for in national law.</p> <p><i>Council cannot accept the compromise text</i></p>

CHAPTER VIII		CHAPTER VIII	
ADMINISTRATIVE COOPERATION		ADMINISTRATIVE COOPERATION	
<i>Article 40 Cooperation</i>		<i>Article 40 Cooperation</i>	
Each Member State shall appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.		Each Member State shall appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	<i>Agreement</i>
Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.		Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	<i>Agreement</i>
<i>Article 41 Staff</i>		<i>Article 41 Staff</i>	
Authorities and other organisations applying the provisions of this Regulation shall have received or shall receive the necessary training and shall be bound by the confidentiality principle, as defined in national law, in relation to any information they obtain in the course of their work.		Authorities and other organisations applying the provisions of this Regulation shall have received or shall receive the necessary training and shall be bound by the confidentiality principle in relation to any personal information they acquired in the performance of their duties , as defined in national	<i>Technical</i>

		law [...].	
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CHAPTER IX		CHAPTER IX	
FINAL PROVISIONS		FINAL PROVISIONS	
<i>Article 42 Committee Procedure</i>	Amendment 172 <i>deleted</i>	<i>Article 42 Committee Procedure</i>	
1. The Commission shall be assisted by a committee [established by Article 58 of xxx of Regulation (EU)XXX/XXX [Procedures regulation]]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	Amendment 172 <i>deleted</i>	[...]	<i>Agreement</i>
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	Amendment 172 <i>deleted</i>	[...]	<i>Agreement</i>
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	Amendment 172 <i>deleted</i>	[...]	<i>Agreement</i>
	Amendment 173 <i>Article 42a Exercise of the delegation</i>		<i>Linked to Art. 24 and annex Agreement to delete Article 42a to be confirmed at the 18/04 trilogue</i>

	<p>Amendment 173</p> <p><i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i></p>		<i>Linked to Art. 24 and annex</i>
	<p>Amendment 173</p> <p><i>2. The power to adopt delegated acts referred to in Article 24 shall be conferred on the Commission for a period of two years from the [date of entry into force of the basic legislative act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the two-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p>		<p><i>Technical</i></p> <p><i>Linked to Art. 24 and annex</i></p>
	<p>Amendment 173</p> <p><i>3. The delegation of power referred to in Article 24 may be revoked at any time by the</i></p>		<p><i>Technical</i></p> <p><i>Linked to Art. 24 and annex</i></p>

	<i>European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i>		
	Amendment 173 <i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i>		<i>Technical Linked to Art. 24 and annex</i>
	Amendment 173 <i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i>		<i>Technical Linked to Art. 24 and annex</i>
	Amendment 173 <i>6. A delegated act adopted pursuant to Article 24 shall enter</i>		<i>Technical Linked to Art. 24 and annex</i>

	<i>into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.</i>		
<i>Article 43 Monitoring and evaluation</i>		<i>Article 43 Monitoring and evaluation</i>	
By no later than two years from entry into force of this Regulation and every five years thereafter, the Commission shall report to the European Parliament and the Council on the application of this Regulation and shall, where appropriate, propose the necessary amendments.		By ... [no later than two years from the entry into force of this Regulation] and every five years thereafter, the Commission shall report to the European Parliament and the Council on the application of this Regulation and shall, where appropriate, propose the necessary amendments.	<i>Agreement</i>
Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest nine months before that time limit expires.		Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest nine months before that time limit expires.	<i>Agreement</i>

<i>Article 44 Amendment to Directive 2003/109/EU</i>		<i>Article 44 Amendment to Directive 2003/109/E</i>	
	Amendment 174 -1. In Article 4 of Directive 2003/109/EU, the third subparagraph of paragraph 2 is replaced by the following:		<i>Political, with technical preparatory work</i>
	Amendment 174 "Regarding persons to whom international protection has been granted, the period between the date of the lodging of the application for international protection on the basis of which that international protection was granted and the date of the granting of the residence permit referred to in Article 26 of Regulation (EU)/... [Qualifications Regulation], shall be taken into account in the calculation of the period referred to in paragraph 1."		<i>Political, with technical preparatory work</i>
		Directive 2003/109/EU is amended as follows:	
1. In Article 4 of Directive 2003/109/EU, the following paragraph 3 a is inserted:		1) [...] in Article 4 [...], the following paragraph [...] is added [...]:	<i>Technical</i>

<p>"3a. Where a beneficiary of international protection is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1."</p>	<p>Amendment 175</p> <p>3a. Where a beneficiary of international protection is found in a Member State, other than the one that granted international protection, <i>and the authorities of that Member State have established that the beneficiary did stay or reside there</i>, without a right to stay or to reside there in accordance with relevant Union or national law, <i>for more than two weeks and without serious and urgent justification</i>, the period of legal stay preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1, <i>unless the beneficiary of international protection demonstrates that the reason for the movement was due to circumstances beyond his or her control.</i></p>	<p>"4 [...]. Where a beneficiary of international protection is found in a Member State[...] other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union, [...] national or international law[...] the period of legal stay in the Member State that granted him or her international protection preceding such a situation shall not be taken into account in the calculation of the period referred to in paragraph 1.</p>	<p><i>Political, with technical preparatory work</i></p>
		<p>By way of derogation from the first subparagraph, in exceptional cases and in accordance with their national law, Member States may provide that the calculation of the period referred to in paragraph 1 shall</p>	<p><i>Political, with technical preparatory work</i></p>

		not be interrupted."	
	Amendment 175 <i>The first subparagraph shall not apply to unaccompanied minors.</i>		<i>Political, with technical preparatory work</i>
2. The following Article 26a is inserted:		2)[...] Article 26(1) [...] is [...] replaced by the following:	<i>Technical</i>
"Article 26a		[...]	<i>Technical</i>
Transposition of Article 4(3a)		[...]	<i>Technical</i>
The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [six months after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof."	Amendment 176 The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(3a) of this Directive by [...] 30 days after the entry into force of this Regulation] at the latest. They shall forthwith inform the Commission thereof.	"1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 January 2006 at the latest. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 4(4[...]) [...] by ...[...] two years after the entry into force of this Regulation] [...]. They shall forthwith [...] communicate the text of those measures to the Commission [...]."	<i>Technical</i> <i>The EP proposes to revert to the Commission's initial proposal with regard to the deadline for transposition.</i>
<i>Article 45</i> Repeal		Article 45 Repeal	
Directive 2011/95/EC is repealed with effect from the date of entry		Directive 2011/95/EC is repealed with effect from ...[the date of	<i>Technical</i>

into force of this Regulation. References to the repealed Directive should be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.		entry into force of this Regulation]. References to the repealed Directive should be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex I [...].	
<i>Article 46</i> <i>Entry into force and applicability</i>		<i>Article 46</i> <i>Entry into force and applicability</i>	
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	<i>Agreement</i>
This Regulation shall start to apply from [six months from its entry into force].	Amendment 177 This Regulation shall start to apply from [...] three months from its entry into force].	This Regulation shall start to apply from [...] two years from its entry into force].	<i>Technical</i>
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.	<i>Agreement</i>
Done at Brussels,		Done at Brussels,	<i>Agreement</i>
<i>For the Council</i> <i>The President</i> [...]		<i>For the Council</i> <i>The President</i> [...]	<i>Agreement</i>