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AMENDMENTS: 20

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European Union Agency for Asylum

Proposal for a regulation COM(2016)0271 - C8-0174/2016 – 2016/0131(COD)

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Amendment 1
Ana Gomes

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX⁹ should be regularly reviewed by the Commission. Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also, at the request of the Commission, provide it with information **on** specific third countries which could be included in the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply.

⁹ OJ L [...]

Amendment

(12) The common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX⁹ should be regularly reviewed by the Commission. Having regard to the Agency's expertise, it should assist the Commission in reviewing that list. The Agency should also, at the request of the Commission, provide it with information **and independent analysis on the situation of** specific third countries which could be included in the common EU list of safe countries of origin, and on third countries designated as safe countries of origin or safe third countries or to which the concepts of safe third country, first country of asylum or European safe third country by Member States apply. **The European Parliament may request the Agency to have access to the information and independent analysis provided to the Commission.**

⁹ OJ L [...]

Or. en

Amendment 2
Ana Gomes

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The European Union Agency for Asylum, in close cooperation with the

Amendment

(14) The European Union Agency for Asylum, in close cooperation with the

Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling. The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, make draft recommendations to the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

Commission and without prejudice to the Commission's responsibility as guardian of the Treaties, should establish a mechanism to monitor and assess the implementation of the CEAS, the compliance by Member States with operational standards, guidelines and best practices on asylum and to verify the functioning of the asylum and reception systems of Member States. The monitoring and assessment should be comprehensive and should be based, in particular, on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling, ***as well as consultations with other relevant partners, namely international organisations, such as UNHCR, the Council of Europe and non-governmental organisations.*** The Agency should report its findings to the Management Board which in turn should adopt the report. The Executive Director should, after consultation with the Commission, make draft recommendations to the Member State concerned outlining the necessary measures to address serious shortcomings, which in turn shall be adopted by the Management Board as recommendations.

Or. en

Amendment 3 **Ana Gomes**

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the Union

Amendment

(19) For Member States that are faced with specific and disproportionate pressure on their asylum and reception systems due, in particular, to their geographical or demographic situation, the European Union Agency for Asylum should support the development of solidarity within the

and assist in the better relocation of beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.

Union, ***namely by adopting and publishing specific recommendations to the other Member States on how to contribute to alleviate the pressure in the Member State concerned***, and assist in the better relocation of beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.

Or. en

Amendment 4

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) deploy the necessary technical equipment for the asylum support teams and the experts from the asylum intervention pool;

Amendment

(j) ***acquire and*** deploy the necessary technical equipment for the asylum support teams and the experts from the asylum intervention pool;

Or. en

Amendment 5

Ana Gomes

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. The Agency may engage in communication activities on its own initiative in the fields within its mandate. Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.

Amendment

3. The Agency may engage in communication activities on its own initiative in the fields within its mandate, ***namely with the aim of increasing transparency and public accountability of its activities***. Communication activities shall not be detrimental to the tasks referred to in paragraphs 1 and 2, and shall be carried out in accordance with the relevant communication and dissemination plans adopted by the Management Board.

Amendment 6
Ana Gomes

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR).

Amendment

2. The Agency shall work closely with the Member States' asylum authorities, with national immigration and asylum services and other national services and with the Commission. The Agency shall carry out its duties without prejudice to those assigned to other relevant bodies of the Union and shall work closely with those bodies and with the United Nations High Commissioner for Refugees (UNHCR), **as well as other relevant partners, namely international organisations, such as the Council of Europe and non-governmental organisations.**

Or. en

Amendment 7
Ana Gomes

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view

Amendment

1. The Agency shall gather and analyse information on the situation of asylum in the Union and third countries insofar as this may have an impact on the Union, including up-to-date information on root causes, migratory and refugee flows as well as on any sudden arrivals of large numbers of third-country nationals which may cause disproportionate pressure on asylum and reception systems, with a view

to foster quick and reliable mutual information to the Member States **and** to identify possible risks **to the** Member States' asylum systems.

to foster quick and reliable mutual information to the Member States, to identify possible risks **and trigger preventive measures to safeguard the functioning of** Member States' asylum systems.

Or. en

Amendment 8
Ana Gomes

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations.

Amendment

The Agency shall base its analysis on information provided, in particular, by Member States, relevant Union institutions and agencies, the European External Action Service as well as UNHCR and other international organisations, **such as the Council of Europe, and non-governmental organisations.**

Or. en

Amendment 9
Ana Gomes

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For this purpose, the Agency shall work in close collaboration with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

Amendment

For this purpose, the Agency shall work in close collaboration with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, and shall, in particular, rely on the risk analysis carried out by that Agency so as to ensure the highest level of consistency and convergence in the information provided by both Agencies.

Amendment 10

Ana Gomes

Proposal for a regulation

Article 7 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(b a) issues related to the handling of relocation processes;

Or. en

Amendment 11

Ana Gomes

Proposal for a regulation

Article 7 – paragraph 5 – point g a (new)

Text proposed by the Commission

Amendment

(g a) data protection provisions;

Or. en

Amendment 12

Ana Gomes

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall, ***at the request of the Commission, provide it with information on*** specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.

2. The Agency shall ***provide the Commission with information and independent analysis on the situation of*** specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX. ***The European Parliament may request the Agency to have access to the information and independent analysis***

provided to the Commission.

Or. en

Amendment 13

Ana Gomes

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, staff available, including for translation and interpretation in Member States, financial resources and the capacity of Member States' asylum authorities, including the judicial system, to handle and manage asylum cases efficiently and correctly.

Amendment

(c) verify the asylum and reception systems, capabilities, infrastructure, equipment, staff available, including for translation and interpretation in Member States, financial resources and the capacity of Member States' asylum authorities, including the judicial system **and the administration**, to handle and manage asylum cases efficiently and correctly.

Or. en

Amendment 14

Ana Gomes

Proposal for a regulation

Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Agency may, in particular, base its assessment on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling.

Amendment

The Agency may, in particular, base its assessment on information provided by Member States, information analysis on the situation of asylum developed by the Agency, on-site visits and case sampling, **as well as consultations with other relevant partners, namely international organisations, such as UNHCR and Council of Europe, and non-governmental organisations.**

Or. en

Amendment 15
Ana Gomes

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts shall be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits and information provided by Member States.

Amendment

2. The Agency shall set up teams of experts for each monitoring exercise, including for the on-site visits as necessary. The teams of experts shall be composed of experts from the Agency's own staff and Commission representatives. The team of experts shall be responsible for drawing up a report based on the findings of on-site visits and information provided by Member States, ***as well as consultations with other relevant partners, namely international organisations, such as UNHCR and Council of Europe, and non-governmental organisations.***

Or. en

Amendment 16
Ana Gomes

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the Commission.

Amendment

3. The Executive Director shall transmit the draft report of the team of experts to the Member State concerned, which shall provide its comments on that draft report. The Executive Director shall then submit the draft report, taking into account the comments of the Member State concerned, to the Management Board. The Management Board shall adopt the monitoring report and transmit it to the Commission ***and to the European Parliament.***

Or. en

Amendment 17

Ana Gomes

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. The Executive Director, after consultation with the Commission, shall **submit** draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings.

Amendment

4. The Executive Director, after consultation with the Commission, shall **request** draft recommendations to the Member State concerned outlining the necessary measures to address shortcomings identified in the monitoring report. The Member State concerned shall be given one month to comment on the draft recommendations. After giving consideration to those comments, the Management Board shall adopt the recommendations and it shall invite the Member State concerned to draw up an action plan outlining the measures to remedy any shortcomings.

Or. en

Amendment 18

Ana Gomes

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

6. The Agency shall inform the Commission on a regular basis of the implementation of the action plan.

Amendment

6. The Agency shall inform the Commission **and the European Parliament** on a regular basis of the implementation of the action plan.

Or. en

Amendment 19

Ana Gomes

Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Agency shall adopt and publish a set of specific recommendations to the other Member States on how to contribute to alleviate the pressure in the Member State concerned and assist in the better relocation of beneficiaries of international protection among Member States, while ensuring that asylum and reception systems are not abused.

Or. en

Amendment 20
Ana Gomes

Proposal for a regulation
Article 22 – paragraph 7

Text proposed by the Commission

Amendment

7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director.

7. The Member States shall make available the experts from the asylum intervention pool as determined by the Executive Director ***and address the recommendations of the Agency diligently.***

Or. en