



Council of the
European Union

Brussels, 20 February 2018
(OR. en)

6303/18

LIMITE

ASILE 9
CODEC 216

**Interinstitutional File:
2016/0223 (COD)**

NOTE

From:	Presidency
To:	Permanent Representatives Committee
Subject:	Proposal for a Regulation of the European Parliament and of the Council 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 (First reading) – Mandate for negotiations with the European Parliament

1. On 13 July 2016, in the framework of the reform of the Common European Asylum System (CEAS), the Commission submitted a proposal for a Regulation on standards for the qualification on 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 (Qualification Regulation)¹. The aim of the proposal is to harmonise the criteria for granting international protection, on the one hand, and the rights and benefits granted to beneficiaries of international protection, on the other.

¹ 11316/16

2. Detailed examination of the proposal by Member States started at the Asylum Working Party meeting on 28 October 2016. On 19 July 2017, COREPER agreed upon a mandate for negotiations with the European Parliament².
3. Two issues that needed further negotiation were excluded from the mandate, namely the definition of family members and the new Annex 2 to the proposed Regulation listing the information to be provided to the beneficiaries of international protection (and replacing the implementing acts in Article 24).
4. The definition of family members, which encompasses families formed in transit countries, was included in the negotiation mandate by COREPER on 29 November 2017³.
5. Annex 2 was examined by the JHA Counsellors on 10 October 2017, 18 December 2017 and 16 February 2018. A broad agreement was reached on the text during the last meeting.
6. The text of Annex 2 appears in the Annex to this Note. The latest Presidency compromise suggestions appear in **bold** and underline by reference to the working document⁴ discussed during the JHA Counsellors meeting on 16 February 2018.
7. Given the fact that this proposal forms an integral part of the overall reform of the CEAS, cross-references to other parts of the reform package are still excluded from the mandate and remain between square brackets. Furthermore, due to their horizontal nature, the definition of application for international protection and several aspects regarding the unaccompanied minors also remain between square brackets. The date of entry into force of the Regulation remains between square brackets as well and will be discussed at a later stage of the negotiations taking into account the progress of other CEAS files.

² 10475/17

³ 14731/17

⁴ WK 1577/2018

8. The report of the European Parliament was adopted by the LIBE Committee on 15 June and by the EP Plenary on 5 July 2017. The inter-institutional negotiations started in September 2017.
 9. The Presidency invites COREPER to agree on the text of Annex 2 of the Qualification Regulation set out in the Annex to this Note and to include it in the mandate already granted authorising the Presidency to start negotiations with the European Parliament.
-

INFORMATION TO BE PROVIDED FOR THE BENEFICIARIES OF INTERNATIONAL PROTECTION

As soon as possible after the international protection has been granted, the following information shall be provided, as a minimum, to beneficiaries of international protection regarding their rights and obligations relating to their respective refugee status or subsidiary protection status. Where necessary, the information can be provided by different authorities, service providers or relevant contact points.

Information on rights and obligations related to residence and stay

(a) Right to a residence permit for beneficiaries of international protection (Article 26)

- How and where to apply for a residence permit and information on the competent authority or a relevant contact point

(b) Right to a residence permit for family members of beneficiaries of international protection (Article 25)

- **How and where to apply for a residence permit and information on the competent authority or a relevant contact point**
- **Information on the rights to which family members who are issued a residence permit are entitled**

(c) Right to claim a travel document (Article 27)

- How and where to apply for a travel document, and information on the competent authority or a relevant contact point

(d) Right to freedom of movement within the Member State and possible restrictions (Article 28)

- If applicable, the requirement to take up residence or register within a specific municipality, and information on the competent authority or a relevant contact point

-

(e) Right to freedom of movement within the Union (Article 29)

- The obligation to reside in the Member State, which has granted international protection
- The right to move in the Schengen area and the conditions to exercise such a right as specified in Article 21 of the Convention implementing the Schengen Agreement, and the 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
- Possible sanctions with regard to the calculation of years in accordance with Directive 2003/109/EC and [the take back procedure under the Dublin Regulation] if the beneficiary does not follow the abovementioned rules and overstays without permission in violation of the Convention implementing the Schengen Agreement or stays/resides in another Member State without permission

Information on rights related to integration

(f) Right to access to employment (Article 30)

- Administrative formalities for access to employment or self-employed activities
- If applicable, the restrictions related to employment in the public services
- Relevant employment office or contact point for additional information

(g) Right to access to education for minors (Article 31 (1))

- Minimum age for compulsory schooling
- If applicable, administrative requirements for access to the education system

(h) Right to access to the general education system for adults (Article 31 (2))

- The requirements, including those of administrative nature, for accessing the general education system

(i) Right to access to procedures for recognition of qualifications and validation of skills (Article 32)

- Competent national authorities or relevant contact points who can give information on the regulated professions which can only be exercised after formal recognition of qualification, and on the administrative procedures to be carried out for such recognition

(j) Information on appropriate schemes for assessing, validating and recognizing prior learning outcomes and experience (Article 32 (3))

- If applicable, information on such schemes and on a relevant contact point for further information

(k) Right to equal treatment with nationals as regards social security (Article 34)

- A relevant contact point for further information

(l) Right to social assistance (Article 34)

- If applicable, the list of benefits which are not provided to beneficiaries of subsidiary protection
- A relevant contact point for further information

(m) Right to healthcare under the same eligibility conditions as nationals (Article 35)

- General information on the conditions of access to healthcare
- If applicable, a contact point for services available to victims of abuse, exploitation, torture or cruel, inhuman and degrading treatment

(n) Right of access to accommodation under conditions equivalent to those applicable to other third country nationals legally residing in the Member State (Article 37)

- If applicable, basic information on available social housing schemes
- If applicable, residency requirements (in the framework of dispersal practices)
- A competent authority or a relevant contact point for further information

(o) Right of access to integration measures considered appropriate, subject to compulsory participation where applicable (Article 38)

- If applicable, information on compulsory integration measures
- A relevant contact point for further information

Information on specific rights for unaccompanied minors (Article 36)

- Information on the right to a guardian
- The modalities to lodge a complaint against the guardian