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WORKING DOCUMENT

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| From: | General Secretariat of the Council |
| To: | Delegations |
| N° prev. doc.: | WK 14599/2023 INIT; WK 14217/2023 INIT |
| N° Cion doc.: | ST 11207/20 (COM (2020) 613 final) |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum – compromise proposal |

Delegations will find in annex a compromise text on the abovementioned proposal - a version prepared for Trilogue on 18 December 2023.

Please note that the attached document is based on the previous tables by subject that have been shared with delegations. You will find the text that has been discussed at technical level that could be provisionally agreed at the upcoming trilogue (text in brackets will be further discussed in the trilogue). The provisions marked green refer to an agreement at technical level which has not yet been confirmed between the rapporteur and the Presidency. In those parts of the text where no compromise for a provisional agreement has been found yet, the text indicates "EP proposal" or "Council mandate".

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL addressing situations of crisis and force majeure in the field of migration and asylum (Text with EEA relevance)

2020/0277(COD)

DRAFT

16-12-2023

Draft Agreement

Proposal Title

2

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
addressing situations of crisis and force majeure in the field of migration and asylum
(Text with EEA relevance)

Formula

3

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION

Citation 1

4

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) and (e) and Article 79(2)(c) thereof,

Citation 2

5

Having regard to the proposal from the European Commission,

Citation 3

6

After transmission of the draft legislative act to the national parliaments,

Citation 4

Draft Agreement

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|------------|---|
| 7 | Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . |
| Citation 5 | |
| 8 | Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. . |
| Citation 6 | |
| 9 | Acting in accordance with the ordinary legislative procedure, |
| Formula | |
| 10 | Whereas: |
| Recital -1 | |
| 10a | (-1) This Regulation does not provide derogations from the rules and guarantees, including related to material reception conditions, under <i>Directive XXX/XXX/EU [Reception Conditions Directive]</i> . <i>The Member State in a situation of crisis shall provide for additional and sufficient human and material resources to be able to meet its obligations under Directive XXX/XXX/EU [Reception Conditions Directive]</i> . to be included after recital 7b |
| Chapter I | |
| 132a | Chapter I General provisions |

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Article 1

132b

Article 1
Subject matter

Article 1, first paragraph

132c

1 This Regulation addresses exceptional situations of crisis [[, including instrumentalisation,] and force majeure] in the field of migration and asylum within the Union and provides for solidarity and support measures Member States can benefit from ensuring the fair sharing of responsibility, and for temporary specific rules derogating from those set out in Acts [to be specified later].

Article 1, second paragraph

132d

2 Temporary measures adopted pursuant to this Regulation shall meet the requirements of necessity and proportionality, be appropriate to achieving their stated objectives and ensuring the protection of the rights of the applicants and beneficiaries of international protection, and be without prejudice to the obligations of the Member States under the Charter of the Fundamental Rights of the European Union, international law and the Union asylum acquis. Such measures shall be consistent with the Member States' obligations under international law and the Union asylum acquis. This Regulation shall not affect the fundamental principles and guarantees, established by the acts from which derogations are allowed pursuant to this Regulation.

Article 1, third paragraph

132e

3 The measures in this Regulation shall be applied only to the extent strictly required by the exigencies of the situation, in a temporary and limited manner and only in exceptional circumstances.
Member States may only apply the measures provided for in Chapter IV and benefit from the measures provided for in Chapter III [upon request] and to the extent provided for in the Decision referred to in Article 4(3).

Article 1, fourth paragraph

132f

4 For the purposes of this Regulation, a situation of crisis means:

Article 1, fourth paragraph, point (a)

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132g

(a) an exceptional situation of mass arrivals of third-country nationals or stateless persons in a Member State by land, air or sea, including persons disembarked following search and rescue operations, being of such a scale and nature, taking into account, inter alia, the population, GDP and geographical specificities, including the size of the territory of the Member State concerned that it renders the well-prepared Member State's asylum, reception, including child protection services, or return system non-functional - including as a result of a situation at local or regional level - such that there may be serious consequences for the functioning the Common European Asylum System

Article 1, fourth paragraph, point (b)

132h

(b) COUNCIL MANDATE

a situation of instrumentalisation where a third country or hostile non-state actor encourages or facilitates the movement of third country nationals and stateless persons to the external borders or to a Member State, with the aim of destabilising the Union or a Member State where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.

Member States may request the authorisation to apply the measures included in Chapter III and IV particularly where there is an unexpected significant increase in the caseload of applications for international protection at the external borders.

Member States may apply the derogations provided for in a Council Implementing Decision referred to in Article 4(3) of this Regulation in the situation referred to in this point only in respect of third-country nationals or stateless persons who are subject to instrumentalisation and who are either apprehended or found in the proximity of the external border, meaning the Member State's land borders, including river and lake borders, sea borders and its airports, river ports, sea ports and lake ports, provided that they are not internal borders, in connection with an unauthorised crossing by land, sea or air, or who are disembarked following search and rescue operations or who have presented themselves at border crossing points.

EP PROPOSAL

'instrumentalisation of migrants' means a situation where a third country actively facilitates the movement of a comparatively large number of third country nationals, onto of from within its territory, to the external borders of the Union, where the aim of such actions is evidently to destabilise the Union and where it can be demonstrated that such actions put at risk essential functions of a Member State, including, the maintenance of law and order or the safeguard of its national security

Article 1, fifth paragraph

132i

5 [For the purposes of this Regulation, force majeure refers to abnormal and unforeseeable circumstances outside the Member State's control, the consequences of which could not have been avoided notwithstanding the exercise of all due care, which prevent the Member State from complying with obligations under Regulations (EU) XXX/XXX [Asylum and Migration Management Regulation] and (EU) XXX/XXX and [Asylum Procedure Regulation].

Chapter II

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Chapter II Governance

Article 2

Article 2 Request by the concerned Member State

Article 2(1)

132l

1. Where a Member State considers itself to be in a situation of crisis [or force majeure], that Member State may, given those exceptional circumstances, submit a reasoned request to the Commission, in order to receive solidarity allowing for the proper management of the said situation and to allow for possible derogations from the relevant rules on the asylum and return procedure, while ensuring that the applicants' fundamental rights are respected.

Article 2(2)

132m

2. The reasoned request referred to in the first paragraph of this Article shall include

Article 2(2), point (a)

132n

(a) a description of

Article 2(2), point (a)(i)

132o

(i) how as a result of a situation of crisis as referred to in Article 1(4)(a), the Member State's asylum and reception system, including its child-protection services, has become non-functional, as well as the measures taken so far to address the situation and a justification proving that its system, while being well-prepared and despite the measures already taken, is unable to address the situation; or

Article 2(2), point (a)(ii)

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| | (ii) [how the Member State is faced with abnormal and unforeseeable circumstances outside its control, the consequences of which could not be avoided in spite of the exercise of all due care, and how such situation of force majeure prevents it from fulfilling their obligations set out in the Articles 27, 41b(1), [41c(2)] of the Regulation (EU) XXX/XXX [Asylum Procedures Regulation] and in the Articles 29, 30, 31 and [35] of the Regulation (EU) XXX/XXX [Asylum and Migration Management];] or |
| Article 2(2), point (a)(iii) | |
| 132q | (iii) [how the Member State is facing a situation of instrumentalisation as referred to in Article 1(4)(b) putting at risk its essential functions, including the maintenance of law and order or the safeguard of its national security] |
| Article 2(2), point (c) | |
| 132r | (b) where relevant, the type and level of solidarity measures provided for in Article 8(1) that it considers necessary. |
| Article 2(2), point (b) | |
| 132s | (c) where relevant, the derogations provided for in Articles 10 to 14 that it considers necessary; and |
| Article 3 | |
| 132t | Article 3 [Commission Implementing Decision] establishing a situation of crisis or force majeure |
| Article 3(1) | |
| 132u | 1. Following the submission of the reasoned request referred to in Article 2, the Commission, in close cooperation with the requesting Member State and in consultation with relevant Union agencies and international organisations, in particular UNHCR and IOM, shall expeditiously assess the situation pursuant to this Article and, where the conditions set out in Article 1 are met, adopt an [implementing decision] referred to paragraph 6. |
| Article 3(2) | |
| 132v | |

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| | 2. The Commission shall immediately notify the European Parliament, the Council and the Member States that it is undertaking the assessment referred to in paragraph 1. |
| Article 3(3) | |
| 132w | <p>3. EP PROPOSAL</p> <p>When assessing whether the Union is facing a situation of instrumentalisation, the Commission shall assess the following information: XX XX</p> |
| Article 3(4) | |
| 132x | 4. The Commission shall determine whether the conditions set out in Article 1 are met, taking into account the reasoned request referred to in Article 2 and in the light of the information provided and the indicators on the concerned Member State referred to in Article 7a of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]. The Commission shall assess the information provided in the reasoned requests against the situation in the concerned Member State during the preceding two months and compared it to the overall situation in the Union. |
| Article 3(5) | |
| 132y | 5. The Commission shall determine in particular: |
| Article 3(5), point (a) | |
| 132z | (a) whether the requesting Member State's asylum, reception, including child-protection services, or migration system has become non-functional as a result of a situation of mass arrivals of third-country nationals or stateless persons, while being well-prepared, and despite the measures already taken, is unable to address the situation and whether there might be serious consequences for the functioning of the Common European Asylum System. |
| Article 3(5), point (b) | |
| 132aa | (b) whether the Member State is faced with abnormal and unforeseeable circumstances outside its control, the consequences of which could not be avoided in spite of the exercise of all due care, and how such situation of force majeure prevents it from fulfilling their obligations set out in the [Articles 27, 41b(1), |

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| | [41c(2)] of the Regulation (EU) XXX/XXX [Asylum Procedures Regulation] and in the [Articles 29, 30, 31 and [35]] of the Regulation (EU) XXX/XXX [Asylum and Migration Management];] |
| Article 3(5), point (c) | |
| 132ab | (c) [whether the Member State is facing a situation of instrumentalisation as referred to in Article 1(4)(b), that puts at risk its essential functions, including the maintenance of law and order or the safeguard of its national security] |
| Article 3(6) | |
| 132ac | 6. Where the assessment referred to in paragraph 1 demonstrates the existence of the conditions set out in Article 1, taking into account the reasoned request referred to in Article 2 and in the light of the information provided and the indicators on the concerned Member State referred to in Article 7a of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] the Commission shall adopt, without delay and in any case no later than [two weeks] from the submission of the request referred to in Article 2, an [implementing decision] determining whether the requesting Member State is in a situation of crisis or [force majeure] [or instrumentalisation]. [The Commission shall transmit the implementing decision to the Council and the European Parliament]. |
| Article 4 | |
| 132ad | <p style="text-align: center;">Article 4</p> <p style="text-align: center;">Commission proposal and Council Implementing Decision authorising [derogations] and establishing solidarity measures</p> |
| Article 4(1) | |
| 132ae | 1. Simultaneously with the adoption of the [Commission implementing decision] referred to in Article 3, the Commission shall, where appropriate, make a proposal for a [Council implementing decision]. The Commission shall immediately inform the European Parliament of its proposal for a Council implementing decision. |
| Article 4(2) | |
| 132af | 2. The Commission proposal shall ensure that the principles of proportionality and necessity are respected and include: |

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| Article 4(2), first subparagraph, point (a) | |
| 132ag | (a) where appropriate, the specific derogations referred to in Articles 10 to 14 that the concerned Member State should be authorised to apply; |
| Article 4(2), first subparagraph, point (b) | |
| 132ah | (b) where appropriate and where the concerned Member State is [facing a situation of crisis], a draft Solidarity Response Plan, after consultation with the requesting Member State [and that ensures the full discretion of contributing Member States in choosing between the types of solidarity measures], that includes |
| Article 4(2), first subparagraph, point (b)(i) | |
| 132ai | (i) where appropriate, the total amount of relocation contributions needed to address the situation of crisis; |
| Article 4(2), first subparagraph, point (b)(ii) | |
| 132aj | (ii) where appropriate, the other relevant solidarity measures referred to in Articles 8(1)(b) and 8(1)(c) and their level needed to address the required for the specific situation of crisis; |
| Article 4(2), first subparagraph, point (b)(iii) | |
| 132ak | (iii) where applicable, the total amount of solidarity measures to be taken from the available pledges in the annual Solidarity Pool established in accordance with [Article 44b] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]; |
| Article 4(2), first subparagraph, point (b)(iv) | |
| 132al | (iv) when the available pledges in the annual Solidarity Pool established in accordance with [Article 44b] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] do not cover the needs identified in points (i) and (ii), the Solidarity Response Plan shall also establish the additional pledges needed to cover such needs; and |
| Article 4(2), first subparagraph, point (b)(v) | |

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| 132am | (v) the indicative contributions for each Member State to contribute with their fair share calculated in accordance with the distribution key set out in [Article 54/44k] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]; [and] |
| Article 4(2), first subparagraph, point (c) | |
| 132an | (c) [where the concerned Member State is facing a situation of crisis referred to in Article 1(4)(b) [instrumentalisation], the description of the third-country nationals or stateless persons subject to that situation] |
| Article 4(2), first subparagraph, point (d) | |
| 132ao | (d) EP PROPOSAL [determining, where appropriate, the need to apply an expedited procedure for granting prima facie international protection to certain categories of applicants whose applications are likely to be well founded.] |
| Article 4(2), second subparagraph | |
| 132ap | Where setting up the solidarity needs of the concerned Member State, the Commission shall take into account whether the Member State is already a benefitting Member State pursuant to [Articles 44c and 44d of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]]. |
| Article 4(2), third subparagraph | |
| 132aq | Where the concerned Member State has considered, in the request referred to in Article 2, relocation as the primary or only solidarity measure to address the situation, the Commission shall take this request into account in its proposal, without prejudice to the possibility of the contributing Member States to choose between the types of solidarity measures. |
| Article 4(3) | |
| 132ar | 3. Within [two weeks] of receiving the Commission proposal referred to in paragraph 1, the Council shall assess the proposal and adopt an implementing decision [authorising the concerned Member State to apply the derogations provided for in Articles 10 to 14] and establishing a Solidarity Response Plan referred to in paragraph 2(b) with the solidarity measures that the concerned Member State can benefit from to address the situation. |

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| Article 4(4) | |
| 132as | <p>4. EP PROPOSAL</p> <p>[Where appropriate, the Commission may accompany the Commission proposal for a Council Implementing Decision referred to in paragraph 1 with a Recommendation based on objective circumstances suggesting categories of applicants whose applications could be considered as well founded and for which the expedited procedure pursuant to Article 15 may be applied.]</p> |
| Article 4(5) | |
| 132at | <p>5 The Council implementing decision shall ensure that the principles of proportionality and necessity are respected and shall [state the grounds on which it is based and set the date from which the derogations laid down in Articles 10 to 14 may be applied, as well as the time period for their application, in accordance with Article 5]. The Council implementing decision shall include:</p> |
| Article 4(5), point (a) | |
| 132au | <p>(a) where appropriate, identify the specific derogations referred to in Articles 10 to 14 that the concerned Member State is be authorised to apply;</p> |
| Article 4(5), point (b) | |
| 132av | <p>(b) where appropriate, establish a Solidarity Response Plan that includes:</p> |
| Article 4(5), point (b)(i) | |
| 132aw | <p>(i) the total amount of relocation contributions needed to address the situation of crisis;</p> |
| Article 4(5), point (b)(ii) | |
| 132ax | <p>(ii) the other relevant solidarity measures referred to in Articles 8(1)(b) and 8(1)(c) and their level needed to address the situation of crisis</p> |
| Article 4(5), point (b)(iii) | |
| 132ay | |

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| | (iii) the total amount of solidarity measures contributions to be taken from the annual Solidarity Pool established in accordance with [Article 44b] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]; |
| Article 4(5), point (b)(iv) | |
| 132az | (iv) the additional pledges to cover the needs to address a situation of crisis, when the existing pledges in the solidarity pool established in accordance with [Article 44b] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] are not enough; |
| Article 4(5), point (b)(v) | |
| 132ba | (v) the specific contribution by each Member State pledged under the mandatory fair share established in accordance with the reference key set out in [Article 54/44k of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]]; and |
| Article 4(5), point (c), first subparagraph | |
| 132bb | (c) [where the concerned Member State is facing a situation of crisis referred to in Article 1(4)(b) [instrumentalisation], identify the third-country nationals or stateless persons subject to that situation]. |
| Article 4(5), point (d), first subparagraph | |
| 132bc | (d) EP PROPOSAL [where appropriate, determine that it is possible to apply an expedited procedure for granting international protection to certain categories of applicants whose applications could be considered as well founded;] |
| Article 4(6) | |
| 132bd | The Council shall transmit immediately to the European Parliament and the Commission the final implementing decision. |
| Article 5 | |
| 132be | Article 5 |

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| | Duration |
| Article 5(1) | |
| 132bf | 1. Without prejudice to paragraph 3, the time period for the application of the derogations and solidarity measures set out in the Council Implementing Decision referred to in Article 4(3) shall be three months. Unless repealed under the terms of paragraph 3, it may be extended once by a three month period. |
| Article 5(2) | |
| 132bg | 2. At the end of the period referred to in paragraph 1 and upon request of the concerned Member State, the Commission may submit a proposal for a new Council Implementing Decision to amend or prolong the specific derogations or the Solidarity Response Plan referred to in Article 4(5) for a period that shall not exceed three months and that, unless repealed under the terms of paragraph 3, may be extended once upon confirmation by the Commission of the persistence of the situation of crisis or force majeure. |
| Article 5(3) | |
| 132bh | 3. The Member States facing a situation of crisis or force majeure, shall not apply Articles 10 to 14 longer than wat it strictly necessary to address such situations, and in any case, no longer than the period set out in the Council Implementing decision referred to in Art. 4(3) The total duration of the application of the measures shall not exceed 12 months. |
| Article 6 | |
| 132bi | Article 6 Monitoring |
| Article 6(1) | |
| 132bj | 1. The Commission and Council shall constantly monitor whether a situation of crisis or force majeure identified in a Commission Implementing Decision as referred to in Article 3(4) persists. It shall keep such situation under constant monitoring and review. |
| Article 6(2) | |

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| 132bk | 2. The Commission shall pay particular attention to the compliance with fundamental rights and humanitarian standards and the Commission may request the EUAA to initiate a specific monitoring exercise pursuant to Article 15(2) of the Regulation (EU) 2021/2303 of 15 December 2021 on the European Union Agency for Asylum. |
| Article 6(3) | |
| 132bl | 3. Where the Commission considers that the circumstances having led to the establishment of the situation of crisis or force majeure have ceased to exist, it may propose the repeal of the Council Implementing Decision referred to in Article 4(3). Where the Commission considers it appropriate on the basis of relevant information, it may propose the adoption of a new Council Implementing Decision authorising the amendment or prolongation of the measures as established in accordance with Article 5(1). |
| Article 6(4) | |
| 132bm | 4. The Commission shall report the European Parliament and the Council, every three months after its entry into force, on the application of the Council Implementing Decision as referred to in Article 4(3), in particular on the effectiveness of the measures undertaken in resolving the situation of crisis or force majeure and shall conclude whether the situation persists and that the measures continue to be necessary and proportionate |
| Article 7 | |
| 132bn | Article 7 [Relocation/Solidarity] coordinator |
| Article 7(1) | |
| 132bo | The EU [Relocation/Solidarity] Coordinator, as established by [Article 7d] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] shall, in addition to the tasks listed under that Article, promote a culture of preparedness, cooperation and resilience among Member States in the field of asylum and migration, including through the sharing of best practices. For this purpose, the EU [Relocation/Solidarity] Coordinator shall be updated by the EU Migration Preparedness and Crisis Management Network in the framework of the relevant stages of the Migration Preparedness and Crisis Blueprint pursuant to the Commission Recommendation No. 2020/1366 of September 2020 on an EU Mechanism for Preparedness and Management of crisis related to migration. |
| Chapter III | |

| | Draft Agreement |
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| 132bp | Chapter III Solidarity measures applicable in a situation of crisis |
| Article 8 | |
| 132bq | Article 8 Solidarity and support measures in a situation of crisis |
| Article 8(1) | |
| 132br | 1. The Member State facing a situation of crisis may request the following types of contributions in the request referred to in Article 2: |
| Article 8(1), point (a) | |
| 132bs | (a) relocations, to be conducted following the procedures set out in [[Articles 57 and 58] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], |
| Article 8(1), point (a)(i) | |
| 132bt | (i) of applicants for international protection |
| Article 8(1), point (a)(ii) | |
| 132bu | (ii) where bilaterally agreed by the contributing and benefitting Member State concerned, of beneficiaries of international protection who have been granted international protection less than three years prior to the adoption of the Council implementing act establishing the Solidarity Pool; |
| Article 8(1), point (b) | |
| 132bv | (b) financial contributions aiming at projects that are relevant to address the situation of crisis in the Member State concerned [or in relevant third countries, in full respect of human rights], to be provided by other Member States following the rules set out in [[Article 44(i)] of Regulation (EU) XXX/XXX |

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| | [Asylum and Migration Management Regulation]]; |
| Article 8(1), point (c) | |
| 132bw | (c) alternative solidarity measures as referred to in [[Article 44a(2)(c)] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], specifically needed to address the crisis situation and following the rules set out in [[Article 44j(2) and (3)] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]]; such measures shall be counted as financial solidarity, and their concrete value shall be established based on objective criteria; or |
| Article 9 | |
| 132bx | Article 9 Responsibility offsets |
| Article 9(1), first subparagraph | |
| 132by | 1. Where the additional relocation pledges set out in the Council Implementing Decision referred to in Article 4(3) and the pledges available in the Solidarity Pool under Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] are below the relocation needs as identified in the Council implementing decision: |
| Article 9(1), first subparagraph, point (a) | |
| 132bz | (a) the contributing Member States shall take responsibility for applications for international protection for which the Member State facing a situation of crisis has been determined as responsible up to 100% of the relocation needs identified in the Solidarity Response Plan established in the Council implementing decision. |
| Article 9(1), first subparagraph, point (b) | |
| 132ca | (b) Where applying (a) and where necessary, the contributing Member States shall take responsibility above their fair share by way of derogation from [Article 44h(5) third subparagraph of Regulation (EU) XXX/XXX [<i>Asylum and Migration Management Regulation</i>]]. |
| Article 9(1), first subparagraph, point (c) | |

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| 132cb | (c) Where applying (a) and (b), [Article 44h(5), except for its third subparagraph, (6) and (7) of Regulation (EU) XXX/XXX [<i>Asylum and Migration Management Regulation</i>]] shall apply mutatis mutandis. |
| Article 9(1), second subparagraph | |
| 132cc | <p>COUNCIL MANDATE</p> <p>[When Directive 2001/55/EC is activated in relation to the same situation as referred to in Article 1(4)(a) and Member States agree at the moment of activation not to apply Article 11 thereof, mandatory offsets pursuant to Article 9 shall not apply.]</p> <p>[When the Council implementing decision authorises the Member State concerned to apply Article 13, mandatory offsets pursuant to Article 9 shall not apply.]</p> |
| Article 9(2) | |
| 132cd | 2. A benefiting Member State may request the other Member States to take responsibility for examining applications for international protection for which the benefiting Member State has been determined as responsible instead of relocations in accordance with the procedure set out in Article 58a of Regulation (EU) XXX/XXX [<i>Asylum and Migration Management Regulation</i>] |
| Article 9(3) | |
| 132ce | 3. Where a contributing Member State has become responsible for applications above its fair share in accordance with paragraph 1(b) or Article 13, it shall be entitled to: |
| Article 9(3), point (a) | |
| 132cf | (a) proportionally reduce from its fair share in relation to future solidarity contributions under the upcoming annual cycles of Regulation (EU) XXX/XXX [<i>Asylum and Migration Management Regulation</i>], with the corresponding amount of applications for which that Member State went above its fair share over a period of five years; or |
| Article 9(3), point (b) | |
| 132cg | |

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| | (b) reduce from its fair share in relation to future solidarity contributions set out in a Council implementing decision adopted pursuant to Article 4(3) with the corresponding amount of applications for which that Member State went above its fair share. Such reduction can only be claimed within five years from the date in which the Council implementing decision that led the Member State to go beyond its fair share is no longer in force. |
| Article 9(4), first subparagraph | |
| 132ch | 4. Where a Member State intends to avail itself of the possibility provided for in paragraph 3, it shall notify the Commission accordingly. The notification shall contain the number of applications for which the Member State took responsibility above its fair share and the reduction it intends to apply under the upcoming annual cycles of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] or during the implementation of a given Council implementing decision adopted pursuant to Article 4(3). |
| Article 9(4), second subparagraph | |
| 132ci | On completion of the examination, made by the Commission of the notification referred to in the preceding subparagraph, where the Commission has confirmed that the Member State concerned has contributed above its fair share, the Commission shall authorise, by means of an implementing act, the Member State concerned to reduce from its fair share the corresponding amount of applications for which that Member State went above its fair share under the upcoming annual cycles of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] or when implementing a Council Implementing Decision adopted pursuant to Article 4(3) within the period referred to in paragraph 3 to support another Member State, or where responsibility offsets are required pursuant to paragraph 1(b). |
| Article 9(5) | |
| 132cj | 5. Where the solidarity needs of other Member States that are benefitting Member States pursuant to [Articles 44c or 44d of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] cannot be addressed as a result of the use made by the Member State facing a situation of crisis of the pledges available in the Solidarity Pool pursuant to Article 4(5)(b), the High-Level Migration Forum shall be reconvened as matter of urgency, in accordance with [Article 44g of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] and following the procedure set out in [Article 44b of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]]. |
| Article 9(6), first subparagraph | |
| 132ck | 6. Where, as a result of the measures required to support the Member State facing a situation of crisis that are included in the Council Implementing Decision as referred to in Article 1(4)(a), another Member State considers itself as under migratory pressure or facing a significant migratory situation within the meaning of [Article 2 of Regulation (EU) XXX/XXX [Asylum Migration Management Regulation]] or facing a situation of crisis, the Member |

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| | State concerned may request solidarity measures or full or partial reductions of its solidarity contributions in accordance with Regulation (EU) XXX/XXX [Asylum Migration Management Regulation], or solidarity and support measures in accordance with this Regulation. |
| Article 9(6), second subparagraph | |
| 132cl | When assessing the Member State's request referred to in Article 2, the Commission shall also take into account if this Member State has taken responsibility for examining applications for international protection above its fair share, in addition to the information set out in [Articles 7a and 7b of Regulation XXX/XXX [Asylum and Migration Management Regulation]]. |
| Chapter IV | |
| 132cm | Chapter IV Derogations |
| Article 10 | |
| 132cn | Article 10 Registration of applications for international protection in situations of crisis [or force majeure] |
| Article 10(1) | |
| 132co | 1. In a situation of crisis [or force majeure], by way of derogation from [Article 27 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], and solely for the duration of the [act] referred to in Article 4(3), the Member State facing that situation may register applications [made within the period during which this paragraph is applied], no later than within four weeks after they are made. |
| Article 10(2) | |
| 132cp | 2. Where applying paragraph 1, the concerned Member State shall prioritise the registration of those applications of persons with special reception needs as defined in [Reception Conditions Directive recast] and of minors and their family members. |
| Article 10(3) | |

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| 132cq | 3. Where applying paragraph 1, Member States may prioritise the registration of applications which are likely to be well founded. |
| Article 10(4) | |
| 132cr | 4. In accordance with Article 3 of Directive XXX/XXX/EU [Reception Conditions Directive] and Regulation (EU) XXX/XXX [Asylum Procedures Regulation], Member States shall ensure that applicants for international protection are able to access and exercise their rights effectively under those instruments as soon as they make an application, regardless of when the registration takes place. [The Member State concerned shall duly inform third-country nationals or stateless persons in a language which the third-country national or stateless person understands or is reasonably supposed to understand about the measure applied, the location of the registration points, including the border crossing points, accessible for registering and lodging an application for international protection, and the duration of the measure.] |
| Article 10(5) | |
| 132cs | 5. COUNCIL MANDATE ARTICLE [where relevant, the request by the concerned Member State to the Commission that it considers necessary to apply the derogation set out in Article 2 before it is authorised to do so in the [Council Implementing Decision] referred to in Article 4(3). In such a case, the Member State concerned may apply the derogation laid down in Article 10 from the day following the request and for a period not exceeding 15 days, unless the Member State concerned is authorised to continue applying that derogation in the [Council Implementing Decision] referred to in paragraph 4(3). The Member State shall indicate in the request the precise reasons for which an immediate action is required.] |
| Article 10(6) | |
| 132ct | 6. The extension of the time limit for registration of applications for international protection is without prejudice to [the obligations to comply with the deadlines set out in [Article 10(1)(b) of Regulation (EU) XXX/XXX [Eurodac Regulation]]. |
| Article 11 | |
| 132cu | Article 11 Measures applicable to the asylum border procedure in a situation of crisis [or force majeure] |
| Article 11(1) | |

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| 132cv | 1. In a situation of crisis referred to in Article 1(4)(a) [<i>or force majeure</i>], Member States may, as regards applications made within the period during which this Article is applied, derogate from [Article 41c(2) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], by prolonging the maximum duration of the border procedure for the examination of applications set out in that Article by an additional period of maximum [six] weeks. This period may not be used in addition to the period referred to in Article 41c(2), third sub-paragraph [of APR] |
| Article 11(2) | |
| 132cw | 2. [In a situation of crisis referred to in Article 1(4)(b), Member States may, as regards applications made within the period during which this Article is applied, derogate from [Article 41c(2) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], by prolonging the maximum duration of the border procedure for the examination of applications set out in that Article by an additional period of maximum [XXX] weeks.] |
| Article 11(3) | |
| 132cx | 3. In a situation of crisis [referred to in Article 1(4)(a) or force majeure], by way of derogation from [Article 41b(1) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], Member States may not be required to examine in a border procedure applications made by applicants referred to in [Article 40(1)(i) of that Regulation], when the measures in the contingency plan of the concerned Member State referred to in [Article 28 of Directive (EU) XXX/XXX [Reception Conditions Directive]] are not sufficient to address that situation. |
| Article 11(4) | |
| 132cy | 4. In a situation of crisis referred to in Article 1(4)(a), by way of derogation from [Article 41b(1) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], Member States may reduce the threshold foreseen in Article 40(1)(i) to 5%. |
| Article 11(5) | |
| 132cz | 5. In a situation of crisis referred to in Article 1(4)(a), by way of derogation from [Article 41a(b) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], Member States may, in a border procedure, take decisions on the merits of an application in cases where the applicant is of a nationality, or, in the case of stateless persons, is a former habitual resident of a third country, for which the proportion of decisions granting international protection by the determining authority is, according to the latest available yearly Union-wide average Eurostat data, [X or lower], in addition to the cases referred to in [Article 40(1)(i) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]];], taking into account the rapidly evolving protection needs that may take place in the country of origin as reflected in quarterly updates of Eurostat data. |

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| Article 11(6) | |
| 132da | 6. [In a situation of crisis referred to in Article 1(4)(b), by way of derogation from [Articles 41a(b) and 41e(2)(a) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]], Member States may in a border procedure take decisions on the merits of all applications made by any third country national or stateless person registered within the period during which this paragraph is applied.] |
| Article 11(7) | |
| 132db | 7. Where applying paragraphs 4, 5 or 6, the Member State concerned shall prioritise the examination of those applications for international protection lodged by persons with special procedural or special reception needs as defined in Directive (EU) XXX/XXX [Reception Conditions Directive recast] and in Regulation (EU) XXX/XXX [Asylum Procedure Regulation], and minors and their family members. The Member State concerned may also prioritise the examination of applications for international protection which are likely to be well founded. |
| Article 11(8) | |
| 132dc | 8. [The Member State facing a situation of crisis or force majeure should not apply or should cease to apply the derogation from the asylum procedure provided for in paragraph 5 in cases where there are medical reasons for not applying the border procedure in line with [Article 41e(2)(d) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]] or where the necessary support cannot be provided to applicants with special reception needs in accordance with Directive XXX/XXX [Reception Conditions Directive] or with special procedural needs in line with [Article 41e(2)(c) of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]]. |
| Article 11(9) | |
| 132dd | 9. Where applying the derogations referred to in this Article, the basic principles of the right to asylum and the respect of the principle of non-refoulement as well as the guarantees foreseen in Chapter I-II of the Regulation (EU) XXX/XXX [Asylum Procedures Regulation] shall apply to ensure that the rights of those who seek international protection, including the right to an effective remedy, are protected. Organisations and persons permitted under national law to provide advice and counselling shall have [effective] access to applicants held in detention facilities or present at border crossing points. Member States may impose limits to such actions where, by virtue of national law, they are [objectively] necessary for the security, public order or administrative management of a detention facility, provided that access is not thereby severely restricted or rendered impossible. |
| Article 11(10) | |

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| 132de | 10. The derogations in accordance with this Article do not affect the process of determining the Member State responsible within the framework of [Asylum and Migration Management Regulation]. In case the process of determining the Member State responsible is longer than the maximum duration of the asylum border procedure in a situation of crisis or force majeure, the process and the remainder of the asylum procedure shall be completed in the territory of the determining Member State in accordance with Article xx of Regulation (EU) XXX/XXX [Asylum Procedures Regulation]. |
| Article 12 | |
| 132df | <p style="text-align: center;">Article 12 COUNCIL MANDATE</p> <p>[Extension of time limits set out for take charge requests, take back notifications and transfers in a situation of crisis referred to in Article 1(4)(a) or force majeure]</p> |
| Article 12(1) | |
| 132dg | 1. [In a situation of crisis referred to in Article 1(4)(a) or force majeure which renders it impossible for a Member State facing that situation to comply with the time limits set out in [Articles 29, 30, 31 and 35 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] or to receive persons it is responsible for pursuant to that Regulation, Member States may derogate from the time limits set out in [Articles 29, 30, 31 and 35(1) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] simultaneously.] |
| Article 12(2) | |
| 132dh | 2. [Where applying paragraph 1, by way of derogation from [Articles 29, 30, 31 and 35(1) of that Regulation], the Member State facing that situation shall:] |
| Article 12(2), point (a) | |
| 132di | (a) [submit a take charge request as referred to in [Article 29] within four months of the date on which the application was registered;] |
| Article 12(2), point (b) | |
| 132dj | (b) [reply to a take charge request as referred to in [Article 30] within two months of receipt of the request;] |

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| Article 12(2), point (c) | |
| 132dk | (c) [submit a take back notification as referred to in [Article 31] within one month of receiving the Eurodac hit or confirm the receipt within one month of such notification; and] |
| Article 12(2), point (d) | |
| 132dl | (d) [carry out a transfer as referred to in [Article 35(1)] within one year of the acceptance of the take charge request or of the confirmation of the take back notification by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3) of that Regulation.] |
| Article 12(3) | |
| 132dm | 3. [Where the Member State referred to in paragraph 1 does not comply with the time limits set out in points (a), (b) or (d) of paragraph 2, the responsibility for examining the application for international protection pursuant to Regulation XXX/XXX [Asylum and Migration Management Regulation] shall lie with it or be transferred to it.] |
| Article 12(4) | |
| 132dn | 4. [Where paragraph 1 is applied, transfers pursuant to [Article 35 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] to the responsible Member State facing a situation of crisis referred to in Article 1(4)(a) or force majeure, shall not be carried out until that Member State is no longer facing that situation, unless, due to the individual circumstances of the applicant, the responsible Member State has agreed to receive the person concerned. Where, the transfer does not take place within one year of the acceptance of the take charge request or of the confirmation of the take back notification by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with [Article 33(3) of Regulation XXX/XXX [Asylum and Migration Management Regulation]], including due to the persistence of the situation of crisis referred to in Article 1(4)(a) or force majeure, by way of derogation from [Article 35(1) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], the Member State responsible, facing that situation, shall be relieved of its obligations to take charge of or to take back the person concerned and responsibility shall be transferred to the transferring Member State.] |
| Article 13 | |
| 132do | Article 13 COUNCIL MANDATE |

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| | [Derogations from the obligation to take back an applicant in a situation of extraordinary mass influx] |
| Article 13(1) | |
| 132dp | <p>1. [In a situation of crisis referred to in Article 1(4)(a), where the mass arrivals is of such extraordinary scale and intensity that it may create a serious risk of serious deficiencies in the treatment of applicants for international protection, thereby creating a serious risk that it renders the Common European Asylum System non-functional, by way of derogation from [Article 26(1)(b) and Article 28(4) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], a Member State facing that situation may be relieved of its obligation to take back an applicant or a third-country national or stateless person in relation to whom that Member State has been indicated as the Member State responsible under [Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation]] where that responsibility was determined pursuant to [Article 8(2) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], or to take back an applicant pursuant to [Article 28(4) of that Regulation].</p> <p>This paragraph shall only apply where the application was registered in the Member State facing that situation within a period to be defined in the Council Implementing Decision referred to in Article 4(3) and not exceeding four months before the date of adoption of this Council Implementing Decision.]</p> |
| Article 13(2) | |
| 132dq | <p>2. Where paragraph 1 is applied, and the Member State facing that situation was determined as responsible pursuant to [Article 8(2) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], it shall be relieved of its obligation to take back the person concerned and responsibility shall be transferred to the Member State where the second application was registered.</p> <p>The Member State which becomes responsible pursuant to the first subparagraph of this paragraph shall indicate that it has become the Member State responsible pursuant to [Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation]].</p> |
| Article 13(3) | |
| 132dr | <p>3. Where paragraph 1 is applied, and the Member State facing that situation is obliged to take back an applicant pursuant to [Article 28(4) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]], by way of derogation from [paragraphs 2 and 4 of Article 28 of that Regulation], the Member State where the second application is registered shall apply the procedures set out in [Part III of that Regulation, with the exception of Article 8(2), Article 9(1) and (2), Article 15(5) and Article 21(1) and (2)], and the obligation to take back an applicant pursuant to [Article 28(4)] shall be transferred to that Member State.</p> <p>Where no Member State responsible can be designated under the first subparagraph, the Member State where the second application was registered shall be responsible for examining the application for international protection.</p> <p>Applications for international protection for which a Member State has sent a take back notification pursuant to [Article 31 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] before the date of adoption of the Council Implementing Decision shall not be affected by this provision.</p> <p>The Member State that becomes responsible shall indicate its responsibility in Eurodac pursuant to [Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation]].</p> |

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| | Regulation]]. |
| Article 14 | |
| 132ds | Article 14 Measures applicable to the return border procedure in a situation of crisis |
| Article 14(1) | |
| 132dt | 1. In a situation of crisis, Member States may, in relation to illegally staying third-country nationals or stateless persons whose applications were rejected in the context of border procedure pursuant to Article [11(4), (5) and (6)] of this Regulation, and who have no right to remain and are not allowed to remain, derogate from [Article 41g(2) and 41h(3) of Regulation (EU) XXX/XXX [<i>Asylum Procedure Regulation</i>]] as follows: |
| Article 14(1), point (a) | |
| 132du | (a) By way of derogation from [Article 41g(2) of Regulation (EU) XXX/XXX [<i>Asylum Procedure Regulation</i>]], the maximum period during which third-country nationals or stateless persons shall be kept at the locations referred to in that Article may be prolonged by an additional period of maximum [six] weeks; |
| Article 14(1), point (b) | |
| 132dv | (b) By way of derogation from [Article 41h(3) of Regulation (EU) XXX/XXX [<i>Asylum Procedure Regulation</i>]], the period of detention set in that Article shall not exceed the period referred to in point (a) and shall be included in the maximum periods of detention set in Article 15(5) and (6) of Directive XXX/XXX [<i>Return Directive</i>]; |
| Article 14(1), point (c) | |
| 132dw | (c) [In addition to the cases provided for by [Article 6(2) of Directive XXX [<i>recast Return Directive</i>]], Member States shall establish that a risk of absconding is presumed in an individual case, unless proven otherwise, when the criterion referred to in [Article 6(1), point (r) of Directive XXX [<i>recast Return Directive</i>]] is fulfilled or when the applicant, third-country national or stateless person concerned is manifestly and persistently not fulfilling the obligation to cooperate established by [Article 7 of that Directive].] |

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| Article 14(2) | |
| 132dx | 2. Paragraph 1 shall also apply to applicants, third-country nationals and stateless persons subject to the procedure referred to in [Article 41 of Regulation (EU) XXX/XXX [<i>Asylum Procedure Regulation</i>]] whose application has been rejected before the adoption of the Council Implementing Decision referred to in Article 4(3), and who have no right to remain and are not allowed to remain after the adoption of that Decision. |
| Article 14(3) | |
| 132dy | 3. [[Legal representatives], non-governmental organisations, and Union institutions and agencies shall have access to persons subject to border procedure. Member States may impose limits to such access where, by virtue of national law, they are objectively necessary for the security, public order or administrative management of the border procedure facility, provided that access is not thereby severely restricted or rendered impossible.] |
| Chapter V | |
| 132dz | Chapter V Prima facie |
| Article 15 | |
| 132ea | Article 15 Prima facie |
| Article 15(1) | |
| 132eb | <p>1. EP PROPOSAL</p> <p>1. Where the Commission considers, based on objective circumstances that suggest that applications for international protection from groups of applicants could be considered as well-founded based on the fact that they come from a specific country of origin or former habitual residence; or a part of that country; or on the basis of the criteria drawn from Regulation (EU) XXX/XXX [Qualification Regulation], the Commission may adopt a recommendation for the application of an expedite procedure by providing all relevant information in view of facilitating, in particular, the application, by the determining authorities of the possibility to apply Article 12(5)(a) of Regulation XXX [APR] [omit the personal interview because it would be able to take a positive decision with regard to refugee status, in line with Article 12(5)(a) of Regulation XXX [APR]] and Article 33(5)(a) of Regulation XXX [APR] [to prioritise the examination of the application because it is likely to be well-founded in accordance with Article 33(5)(a) of Regulation XXX [APR].</p> <p>2. Where, in case of objective circumstances suggesting that applications for international protection from groups of applicants from a specific country of</p> |

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| | <p>origin or habitual residence; ; or a part of that country; or on the basis of the criteria drawn from Regulation (EU) XXX/XXX [Qualification Regulation] could be considered as well-founded, the determining authorities apply Articles 12(5)(a) and 33(5)(a) of Regulation XXX [APR], by way of derogation from Article 34(2) of Regulation XXX [APR], the determining authority shall ensure that the examination of the merits of the application is concluded no later than [four] weeks from the lodging of the application</p> <p>[3. Where a Member State makes use of the procedure provided for in this Article, the determining authority of that Member State may limit the examination of the applications to determining whether the applicant falls within the category(ies) of persons as defined in the Recommendation adopted pursuant to paragraph 1 and to determining whether exclusion grounds laid down in Articles 12 and 18 of Regulation (EU) XXX/XXX [Qualifications Regulation] apply].</p> <p>4. In considering whether to adopt a Recommendation referred to in paragraph one, the Commission shall consult the relevant Union agencies, UNHCR and other relevant organisations ahead of the possible adoption of the recommendation.</p> <p>Recitals on the following</p> <ul style="list-style-type: none"> - Applicants for international protection, whose applications are examined in the context of the expedited procedure provided for in this Regulation should enjoy all of the rights and guarantees, to which applicants are entitled in accordance with Regulation (EU) XXX/XXX [Asylum Procedures Regulation], including the right to information and to an effective remedy. -Applicants for international protection, whose applications are examined in the context of the expedited procedure provided for in this Regulation, should, in accordance with Article 29 of Regulation (EU) XXX/XXX [Asylum Procedures Regulation], receive a document certifying their status in a language they can understand or can reasonably be expected to understand. |
| Chapter VI | |
| 132ec | Chapter VI Final provisions |
| Article 16 | |
| 132ed | Article 16 Specific provisions and guarantees |
| Article 16(1) | |
| 132ee | In a situation of crisis, where applying the derogations referred to in Articles 10 to 14 the Member State concerned shall duly inform third-country nationals or stateless persons in a language which the third-country national or stateless person understands or is reasonably supposed to understand about the measures applied, the location of the registration points, including the border crossing points, accessible for registering and lodging an application for |

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| | international protection, and the duration of the measures. |
| Article 17 | |
| 132ef | Article 17 Crisis preparedness |
| Article 17(1) | |
| 132eg | 1. National strategies established by Member States in accordance with [Article 5a] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] shall also include |
| Article 17(1), point (a) | |
| 132eh | (a) preventive measures to ensure a sufficient level of preparedness and to reduce the risk of situations of crisis and contingency planning, taking into account the contingency planning pursuant to Regulation (EU) 2021/2303 of the European Parliament and of the Council, Regulation (EU) 2019/18961 and Directive (EU) XXX/XXX [Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint. |
| Article 17(1), point (b) | |
| 132ei | (b) an analysis of measures needed to respond to and resolve situations of crisis and [and force majeure] in the Member State concerned, including measures to protect the rights of applicants for and beneficiaries of international protection and other forms of protection |
| Article 17(2) | |
| 132ej | 2. When applying paragraph 1, Member States may consult the Commission and relevant Union bodies, offices and agencies, in particular the Asylum Agency, as well as regional and local authorities |
| Article 17(3) | |
| 132ek | |

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| | 3. The Member State shall revise, where necessary, the national strategies established in accordance with [Article 5a] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation] and in any case, no later than one year from the date on which the situation of crisis ended in accordance with Article 5 of this Regulation. |
| Article 18 | |
| 132el | Article 18 Cooperation and assessment |
| Article 18(1) | |
| 132em | 1. In order to ensure the smooth application of the measures included in the Council Implementing Decision referred to in Article 4(3), the Commission shall convene a first meeting of the Technical Level Solidarity Forum as referred to in [Article 7d(4) of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]] immediately following the adoption of that Council Implementing Decision. Following that first meeting, the Technical-Level Solidarity Forum shall meet as many times as necessary. |
| Article 18(2) | |
| 132en | 2. [The Member State in a situation of crisis [may] request the assistance of all authorities that are able to increase, at short notice, the human resources of its responsible authorities in accordance with Article 5(3) of Regulation (EU) XXX/XXX [Asylum Procedures Regulation] and the assistance of experts deployed by the EUAA in accordance with Article 5(4), point (b) of Regulation (EU) XXX/XXX [Asylum Procedures Regulation], and Article 16(2), point (b) and Article 21(3), point (d) of Regulation (EU) 2021/2303.] |
| Article 18(3) | |
| 132eo | 3. The Commission, the Council, the European Parliament, the relevant EU agencies and the Member State facing a situation of crisis or force majeure shall closely cooperate and regularly inform each other on the implementation of the Council Implementing Decision referred to in Article 4(3). |
| Article 18(4) | |
| 132ep | 4. The Member State concerned shall continue reporting all relevant data including statistics that are relevant for the implementation of this Regulation. The Member State concerned shall also provide the Commission with the specific information needed for it to carry out the review under Article 6(3) and to |

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| | make the proposal for repeal or prolongation of the Council Implementing Decision as well as any other information the Commission may request on that basis. |
| Article 18(5) | |
| 132eq | 5. The Member State facing a situation of crisis or force majeure shall maintain close cooperation with the United Nations High Commissioner for Refugees and any other organisations entrusted by the Member State with tasks in accordance with this Chapter and Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Directive XXX/XXX [Reception Conditions Directive recast]. |
| Article 18(6) | |
| 132er | 6. In exercising their powers and carrying out their responsibilities pursuant to this Article, the Commission and the Council shall ensure at all times that the principles of necessity and proportionality are respected. |
| Article 19 | |
| 132es | Article 19 Financial support |
| Article 19(1) | |
| 132et | 1. Funding pursuant to Article 11(9) and Annex II (2)(d) of Regulation (EU) 2021/1147 shall be allocated to local and regional authorities and organisations of the contributing Member States supporting integration following relocation. |
| Article 19(2) | |
| 132eu | 2. Emergency funding support for a Member State in a situation of crisis may be allocated pursuant to Article 31(1), point (a) of Regulation (EU) 2021/1147, including for the construction, maintenance and renovation of reception facilities required for the application of this Regulation, in line with the standards provided for in Directive XXX/XXX/EU [Reception Conditions Directive]. |
| Article 19(3) | |

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| 132ev | 3. Regulation (EU) 2021/1147 is amended as follows: |
| Article 19(3), point (a), first subparagraph | |
| 132ew | (a) In Chapter II, Section 2, Article 20a is inserted: Article 20a Resources for the transfer of applicants for international protection or of beneficiaries of international protection in a situation of crisis |
| Article 19(3), point (a), second subparagraph | |
| 132ex | 1. A Member State shall receive, in addition to its allocation under Article 13(1) of this Regulation, an additional amount of EUR 10 000 for each applicant for international protection or beneficiary of international protection transferred from another Member State in accordance with [Article 2d/Articles 7x and 8x] of Regulation (EU) XXX/XXX [Crisis Regulation] of the European Parliament and of the Council*, or as a result of similar forms of relocation. |
| Article 19(3), point (a), third subparagraph | |
| 132ey | 2. Where appropriate, Member States shall also be eligible to receive the amount referred to in paragraph 1 of this Article for each family member of persons referred to in that paragraph, provided that those family members have been transferred to ensure family unity in accordance with [Article 25] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation], or have been transferred as a result of similar forms of relocation. |
| Article 19(3), point (a), fourth subparagraph | |
| 132ez | 3. The amounts referred to in paragraphs 1 and 2 shall be increased to EUR [12 000] for each unaccompanied minor relocated in accordance with [Article 2d/Articles 7x and 8x] of Regulation (EU) XXX/XXX [Crisis Regulation] or [Article 25] of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation]. |
| Article 19(3), point (a), fifth subparagraph | |
| 132fa | 4. The Member State covering the cost of transfers referred to in paragraphs 1, 2 and 3 shall receive a contribution of EUR 500 for each applicant for international protection or beneficiary of international protection transferred to another Member State. |
| Article 19(3), point (a), sixth subparagraph | |

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| 132fb | 5. A Member State shall receive the amounts referred to in paragraphs 1 to 3 for each person provided that the relocation of that person has effectively taken place. Those amounts shall not be used for other actions in the Member State's programme except in duly justified circumstances, as approved by the Commission through the amendment of that programme. |
| Article 19(3), point (a), seventh subparagraph | |
| 132fc | 6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article 125 of the Financial Regulation. |
| Article 19(3), point (a), eighth subparagraph | |
| 132fd | 7. For the purposes of control and audit, Member States shall retain the information necessary to allow the proper identification of the persons transferred and of the date of their transfer without prejudice to applicable provisions concerning data retention periods. |
| Article 19(3), point (a), ninth subparagraph | |
| 132fe | 8. In order to take account of current inflation rates, relevant developments in the field of relocation and other factors which might optimise the use of the financial incentive brought by the amounts referred to in paragraphs 1 to 5 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 37 to adjust those amounts, where that adjustment is deemed appropriate and within the limits of available resources. |
| Article 19(3), point (b) | |
| 132ff | (b) In Chapter II, Section 4, Article 31 is amended as follows: In paragraph 1, point (ba) is added: (ba) a situation of crisis within the meaning of [Article 1(2)(a)] of Regulation (EU) XXX/XXX [Crisis Regulation]. |
| Article 20 | |
| 132fg | Article 20 Entry into force |

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| Article 20(1) | |
| 132fh | <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>It shall apply from [the first day of the twenty-fifth month following its entry into force].</p> |
| Article 20(2) | |
| 132fi | This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties. |
| Formula | |
| 133 | Done at Brussels, |
| Formula | |
| 134 | For the European Parliament |
| Formula | |
| 135 | The President |
| Formula | |
| 136 | For the Council |
| Formula | |
| 137 | The President |