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From:	Presidency
To:	JHA Counsellors (Asylum)
N° Cion doc.:	8742/16 ASILE 12 CODEC 619 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

With a view to their meeting on 17 May, Counsellors will find attached a paper from the Presidency on the above proposal. Presidency's comments and possible compromise suggestions for Chapters 3 and 9 can be found in the fifth column of the attached document.

CHAPTER 3 COUNTRY OF ORIGIN INFORMATION		CHAPTER 3 COUNTRY INFORMATION AND GUIDANCE		
<i>Article 8</i> Information on countries of origin at Union level		<i>Article 8</i> Information on third countries [...] at Union level		
<i>Amendment 48</i>				

<p>1. The Agency shall be a centre for gathering relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific information and targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.</p>	<p>1. The Agency shall be a centre for gathering objective, relevant, reliable, accurate and up-to date information on countries of origin of persons applying for international protection, including child-specific, and gender-specific information and targeted information on vulnerable persons and persons belonging to minorities. It shall draw up and regularly update reports and other products providing for information on countries of origin at the level of the Union including on thematic issues specific to countries of origin.</p>	<p>1. The Agency shall be a centre for gathering relevant, reliable, objective, accurate and up-to date information on relevant third countries [...] in a transparent and impartial manner, making use of relevant information, including child-specific and gender-specific information, as well as targeted information on persons belonging to vulnerable groups. It shall draw up and regularly update reports and other products providing for information on relevant third countries [...] at the level of the Union including on thematic issues specific to relevant third countries [...].</p>	<p>1. The Agency shall be a centre for gathering relevant, reliable, objective, accurate and up-to date information on relevant third countries [...] in a transparent and impartial manner, making use of relevant information, including child-specific and gender-specific information, as well as targeted information on persons belonging to vulnerable groups and minorities. It shall draw up and regularly update reports and other products providing for information on</p>
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				<p>relevant third countries [...] at the level of the Union including on thematic issues specific to relevant third countries [...].</p> <p><i>The Presidency expects a difficult discussion on the Council amendment from “countries of origin” to “third countries”, in view of the EP’s concern regarding the use of third country concepts (safe third country, safe country of origin, first country of asylum) in EU asylum policy. Counsellors are kindly requested to indicate their margin of manoeuvre regarding this amendment.</i></p>
2. The Agency shall, in particular:	2. The Agency shall, in particular:	2. The Agency shall, in particular:		

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

				<i>EASO COI Portal makes a distinction between general and internal users since some data is classified. This current practice could indicate the way forward for a compromise.</i>
(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on countries of origin at the level of the Union.	(c) develop <i>in consultation with the Consultative Forum as well as the UNHCR and other relevant intergovernmental and non-governmental organisations, researchers and academics</i> a common format and a common methodology including terms of reference, for developing reports and other products with information on countries of origin at the level of the Union <i>in line with the requirements of international and Union asylum law.</i>	(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on relevant third countries [...] at the level of the Union.		(c) develop a common format and a common methodology including terms of reference, in line with the requirements of Union law on asylum, for developing reports and other products with information on relevant third countries [...] at the level of the Union..
<i>Article 9</i> European networks on country of origin information		<i>Article 9</i> European networks on third country information		

Amendment 49				
1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks among Member States on country of origin information.	1. The Agency shall ensure the coordination of national initiatives producing country of origin information by establishing and managing networks among Member States on country of origin information. <i>Such networks may, where relevant and on a case by case basis, involve external experts with relevant expertise from the UNHCR and non-governmental organisations.</i>	1. The Agency shall ensure the coordination of national initiatives producing [...] information on third countries by establishing and managing networks among Member States on third country [...] information.		1. The Agency shall ensure the coordination of national initiatives producing [...] information on third countries by establishing and managing networks among Member States on third country [...] information. <i>Such networks may, where <u>appropriate</u> and on a case by case basis, involve external experts with relevant expertise from UNHCR and other relevant organisations.</i>
2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:	2. The purpose of the networks provided for in paragraph 1 shall be for Member States to:	2. The purpose of the networks provided for in paragraph 1 shall be for Member States to, in particular:		2. The purpose of the networks provided for in paragraph 1 shall be for Member States to, in particular:

(a) exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;	(a) <i>periodically</i> exchange and update national reports and other products on countries of origin including thematic issues specific to countries of origin;	(a) exchange and update national reports and other products, as well as other relevant information , on third countries [...] including on thematic issues [...];		(a) exchange and update national reports and other products, as well as other relevant information , on third countries [...] including on thematic issues [...];
(b) submit queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law.	(b) submit queries to the Agency <i>and assist in responding to queries</i> related to specific questions of fact that may arise from applications for international protection, without prejudice to <i>privacy, data protection and</i> confidentiality rules as established in national law.	(b) submit queries to the Agency related to specific questions of fact that may arise from applications for international protection, without prejudice to confidentiality rules as established in national law;		(b) submit queries to the Agency <i>and assist in responding to queries</i> related to specific questions of fact that may arise from applications for international protection, without prejudice to <i>privacy, data protection and, as established in national law</i> , confidentiality rules.
		(c) to contribute to the development and update of Union level reports and other products providing information on relevant third countries.		(c) to contribute to the development and update of Union level reports and other products providing information on relevant third countries.

<i>Article 10</i> Common analysis on country of origin information		<i>Article 10</i> Common analysis [...] and guidance notes		<i>Article 10</i> Common analysis [...] and guidance notes
Amendment 50				
1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council, the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin.	1. To foster convergence in applying the assessment criteria established in Directive 2011/95/EU of the European Parliament and of the Council ²² the Agency shall coordinate efforts among Member States to engage in and develop a common analysis providing guidance on the situation in specific countries of origin.	1. To foster convergence in applying the assessment criteria established in [...] Regulation (EU) No XXX/XXX [Qualification Regulation] , the Agency shall coordinate efforts among Member States to [...] develop a common analysis [...] on the situation in specific countries of origin and guidance notes to assist Member States in the assessment of relevant applications.		1. To foster convergence in applying the assessment criteria established in [...] Regulation (EU) No XXX/XXX [Qualification Regulation] , the Agency shall coordinate efforts among Member States to [...] develop a common analysis [...] on the situation in specific countries of origin and guidance notes to assist Member States in the assessment of relevant applications.

	<p><i>The Agency shall ensure that such common analysis takes account of the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from specific countries of origin.</i></p>			<p><i>In the development of the common analysis and guidance notes, the Agency shall take into account the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from specific countries of origin.</i></p>
<p>2. The Executive Director shall, after consulting the Commission, submit that common analysis to the Management Board for endorsement. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.</p>	<p>2. The Executive Director shall, after consulting the Commission, the UNHCR and the Consultative Forum, adopt that common analysis after having submitted it to the Management Board for review. Member States shall be required to take that common analysis into account when examining applications for international protection, without prejudice to their competence for deciding on individual applications.</p>	<p>2. The Executive Director shall [...] submit [...] the guidance notes to the Management Board for endorsement. [...] The guidance notes shall be accompanied by the common analysis.</p>		<p>2. The Executive Director shall, [...] submit [...] the guidance notes to the Management Board for endorsement. [...] The guidance notes shall be accompanied by the common analysis.</p>

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

4. The Member States shall, on a monthly basis, submit to the Agency relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:	4. The Member States shall, on a monthly basis, submit to the Agency all relevant information on the decisions taken in relation to applicants for international protection originating from third countries subject to the common analysis. That information shall, in particular, include:	4. Member States shall submit [...] to the Agency any relevant information [...] indicating that a review or an update of the common analysis and guidance notes is necessary.		<i>Council deems this to be an administrative burden in light of the fact that EASO already collects information within the framework of the Early Warning and Preparedness System as well as additional weekly and monthly reporting. This is also covered by Article 5, on the information that Member States submit to the Agency.</i>
(a) statistics on the number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;	(a) statistics on the number of applications for international protection lodged and the number of decisions granting international protection to applicants from each country of origin which is the subject of the common analysis and specifying the type of protection;	<i>deleted</i>		<i>See comment above.</i>

(b) statistics on the number of decisions refusing international protection to applicants from each country of origin which is the subject of the common analysis;	(b) statistics on the number of decisions including inadmissibility decisions refusing international protection to applicants from each country of origin which is the subject of the common analysis and grounds for refusal ;	<i>deleted</i>		<i>See comment above.</i>
(c) statistics on the number of decisions taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.	(c) statistics on the number of decisions including inadmissibility decisions taken in relation to applicants from each country of origin which is the subject of the common analysis but where that common analysis was not followed and the reasons for not following it.	<i>deleted</i>		<i>See comment above.</i>

	<p><i>4a. Based on the information referred to in paragraph 4 the Agency shall study the differences in the recognition rates recorded by Member States regarding applications for international protection from applicants of a given country of origin which is the subject of the common analysis. If the Agency finds the differences to be substantial, the Executive Director shall notify the Commission and the European Parliament of such differences and possible reasons therefor. The Commission shall then take any follow-up steps, as appropriate.</i></p>		<p><i>The Counsellors' views on this point are being requested.</i></p> <p><i>The Presidency considers that the EP text: "The Commission shall then take any follow-up steps, as appropriate." requires further clarification and possibly interferes with the Commission's discretion.</i></p>
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	<i>4b. The Agency shall ensure that the information received from the Member States in accordance with paragraph 4 is publicly accessible and included as an annex to the annual report to be drafted in accordance with Article 65.</i>			<i>The Counsellors' views on this point are being requested. The Presidency considers that this provision creates an overlap with the emerging compromise with the EP on Article 5 (publicly available databases containing statistics on applications for international protection).</i>
<i>Article 11</i> Designation of safe countries of origin and safe third countries		<i>[Article 11</i> Designation of safe countries of origin and safe third countries		<i>This Article is in square brackets due to links with APR.</i>
<i>Amendment 51</i>				

1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those that have been suspended by the Commission and those that have been removed from that list.	1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX, including those that have been suspended by the Commission and those that have been removed from that list.	1. The Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the common EU list of safe countries of origin established by Regulation (EU) No XXX/XXX [SCO/APR] or designated as safe third countries at Union level in accordance with Regulation (EU) No XXX/XXX [APR] , including those that have been suspended by the Commission and those that have been removed from that list.		
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<p>2. The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX.</p>	<p>2. The Agency shall [...] provide <i>the Commission</i> with information on specific third countries which could be considered for inclusion in, <i>suspension or removal from</i> the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX. <i>This information shall also be transmitted to the European Parliament.</i></p>	<p>2. The Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX [SCO/APR] or which could be designated as safe third countries at Union level in accordance with Regulation (EU) No XXX/XXX [APR].]</p>		
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	<p><i>2a. Information provided by the Agency in accordance with paragraphs 1 and 2 shall be compiled in accordance with the general principles provided for in Article 8, and shall take into account information received from the UNHCR, UN and Council of Europe human rights monitoring mechanisms, relevant non-governmental organisations and other relevant independent and reliable sources, including information provided within the framework of the Consultative Forum.</i></p>			
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3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.	3. When notifying the Commission in accordance with Articles 37(4), 38(5) and 39(7) of Directive 2013/32/EU, Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to Articles 35, 38 and 39 of Directive 2013/32/EU, respectively.	<i>deleted</i>		
The Commission may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.	The <i>Parliament, the Council</i> <i>or</i> the Commission may request the Agency to carry out a review of the situation in any such third country with a view to assess whether the relevant conditions and criteria set out in that Directive are respected.			

CHAPTER 9 ORGANISATION OF THE AGENCY		CHAPTER 9 ORGANISATION OF THE AGENCY		
<i>Article 38</i> Administrative and management structure		<i>Article 38</i> Administrative and management structure		
<i>Amendment 79</i>				
The Agency's administrative and management structure shall comprise:	The Agency's administrative and management structure shall comprise:	The Agency's administrative and management structure shall comprise:		<i>No changes in the text by the Commission, EP and Council.</i>
(a) a Management Board, which shall exercise the functions set out in Article 40;	(a) a Management Board, which shall exercise the functions set out in Article 40;	(a) a Management Board, which shall exercise the functions set out in Article 40;		<i>No changes in the text by the Commission, EP and Council.</i>
(b) an Executive Director, who shall exercise the responsibilities set out in Article 46;	(b) an Executive Director, who shall exercise the responsibilities set out in Article 46;	(b) an Executive Director, who shall exercise the responsibilities set out in Article 46;		<i>No changes in the text by the Commission, EP and Council.</i>
(c) a Deputy Executive Director, as established in Article 47.	(c) a Deputy Executive Director, as established in Article 47;	(c) a Deputy Executive Director, as established in Article 47.		<i>No changes in the text by the Commission, EP and Council.</i>
	<i>(c a) a Fundamental Rights Officer;</i>			<i>This reference is subject to an outcome on the</i>

				discussion regarding the FRO.
	<i>(c b) a Consultative Forum.</i>			
<i>Article 39</i> Composition of the Management Board		<i>Article 39</i> Composition of the Management Board		
Amendment 80				
1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, which shall have the right to vote.	1. The Management Board shall be composed of one representative from each Member State two representatives of the Commission and two representatives of the European Parliament , which shall have the right to vote.	1. The Management Board shall be composed of one representative from each Member State and two representatives of the Commission, which shall have the right to vote.		<i>The 2012 Common Approach Annex states that the MB should be composed of 1 representative from each MS, 2 two representatives of the Commission and only where appropriate there should be 1 representative from the EP. The representatives have to be appointed in light of the Agency's core business. Decisions taken at the MB level are generally to be implemented by MSs with the Commission having more of a supervisory</i>

				<i>role. The EP's role would have to be justified by the EP.</i>
2. The Management Board shall include one representative of UNHCR, without the right to vote.	2. The Management Board shall include one representative of UNHCR, without the right to vote.	2. The Management Board shall include one representative of UNHCR, without the right to vote.		<i>No changes in the text by the Commission, EP and Council.</i>
3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.	3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.	3. Each member of the Management Board shall have an alternate. The alternate shall represent the member in his or her absence.		<i>No changes in the text by the Commission, EP and Council.</i>

<p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p>	<p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the board's work. All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p>	<p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge and expertise in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. [...] All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p> <p><i>The missing sentence in the Council text has been moved to Recital 27.</i></p>		<p>4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge and expertise in the field of asylum, taking into account relevant managerial, administrative and budgetary skills. [...] All parties shall aim to achieve a balanced representation between men and women on the Management Board.</p>
<p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>	<p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>	<p>5. The term of office for members of the Management Board shall be four years. That term shall be extendable. On the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are extended or until they are replaced.</p>		<p><i>No changes in the text by the Commission, EP and Council.</i></p>

<i>Article 40</i> Functions of the Management Board		<i>Article 40</i> Functions of the Management Board		
<i>Amendment 81</i>				
1. The Management Board shall:	The Management Board shall:	1. The Management Board shall be the Agency's planning and monitoring body. It shall give general orientation for the Agency's activities and ensure that the Agency performs its tasks. It shall, in particular:		1. The Management Board shall be the Agency's planning and monitoring body. It shall give general orientation for the Agency's activities and ensure that the Agency performs its tasks. It shall, in particular:
(a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41;	(a) give general orientation for the Agency's activities and adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 41;	(a) <i>deleted as it is covered in the chapeau and in point (q)</i>		

(b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;	(b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;	(b) adopt the annual budget of the Agency by a majority of two-thirds of members entitled to vote and exercise other functions in respect of the Agency's budget pursuant to Chapter 10;		<i>No changes in the text by the Commission, EP and Council.</i>
(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;	(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;	(c) adopt a consolidated annual activity report on the Agency's activities and send it, by 1 July each year, to the European Parliament, the Council, the Commission and the Court of Auditors. The consolidated annual activity report shall be made public;		<i>No changes in the text by the Commission, EP and Council.</i>

	<i>(ca) before 30 November each year, and after taking into account the opinion of the Commission, adopt, by a two-thirds majority of the members with a right to vote, a single programming document containing the Agency's multiannual programming and its work programme for the following year and forward it to the European Parliament, to the Council and to the Commission;</i>			<i>Counsellors views on this point is requested. The voting rules are in line with the 2012 Common Approach. A similar provision is in Article 62(2)(j) of the EBCG Regulation.</i>
(d) adopt the financial rules applicable to the Agency in accordance with Article 53;	(d) adopt the financial rules applicable to the Agency in accordance with Article 53;	(d) adopt the financial rules applicable to the Agency in accordance with Article 53;		<i>No changes in the text by the Commission, EP and Council.</i>
(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;	(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;	(e) take all decisions for the purpose of fulfilling the Agency's mandate as laid down in this Regulation;		<i>No changes in the text by the Commission, EP and Council.</i>

(f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;	(f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;	(f) adopt an anti-fraud strategy, proportionate to the risk of fraud taking into account the costs and benefits of the measures to be implemented;		<i>No changes in the text by the Commission, EP and Council.</i>
(g) adopt rules for the prevention and management of conflicts of interest in respect of its members;	(g) adopt rules for the prevention and management of conflicts of interest in respect of its members;	(g) adopt rules for the prevention and management of conflicts of interest in respect of its members;		<i>No changes in the text by the Commission, EP and Council.</i>
(h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;	(h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;	(h) adopt and regularly update the communication and dissemination plans referred to in Article 2(3), based on an analysis of needs;		<i>No changes in the text by the Commission, EP and Council.</i>
(i) adopt its rules of procedure;	(i) adopt its rules of procedure;	(i) adopt its rules of procedure;		<i>No changes in the text by the Commission, EP and Council.</i>

(j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (appointing authority);	(j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ²¹ (appointing authority);	(j) exercise, in accordance with paragraph 2, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment (appointing authority);		<i>No changes in the text by the Commission, EP and Council.</i>
(k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	(k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	(k) adopt appropriate implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;		<i>No changes in the text by the Commission, EP and Council.</i>

<p>(l) appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47;</p>	<p>(l) [...] exercise disciplinary authority over [...] <i>the Executive Director and Deputy Executive Director</i></p>	<p>(l) appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47;</p>		<p>(l) appoint the Executive Director and Deputy Executive Director, exercise disciplinary authority over him or her and, where necessary, extend his or her term of office or remove him or her from office in accordance with Articles 45 and 47;</p> <p><i>According to Article 45(2) of the EP text, the Executive Director shall be appointed by both EP and Council. The EP amendment deviates from the Common Approach (point 16 of Annex) which states that in order for Agencies to be deemed autonomous, the Management Board should appoint Executive Director.</i></p>
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	<i>(l a) appoint the Fundamental Rights Officer on the proposal from the Executive Director, after consultation with the Consultative Forum;</i>			<p><i>This point is subject to discussions on the FRO.</i></p> <p><i>Note that “on the proposals from the Executive Director, after consultation with the Consultative Forum” differs from the corresponding provision in the EBCG Regulation.</i></p>
(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission;	(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission <i>and shall be made public;</i>	(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission;		<p>(m) adopt an annual report on the situation of asylum in the Union in accordance with Article 65. That report shall be presented to the European Parliament, the Council and the Commission <i>and shall be made public;</i></p> <p><i>Presidency considers that the EP Amendment is acceptable since currently the Annual Report on the Situation of Asylum in the Union is a publicly available document. Therefore, the Amendment reflects the current state</i></p>

				<i>of play. However,</i>
(n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);	(n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);	(n) take all decisions on the development of the information systems provided for in this Regulation, including the information portal referred to Article 8(2)(b);		<i>No changes in the text by the Commission, EP and Council.</i>
(o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;	(o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;	(o) adopt the detailed rules for applying Regulation (EC) No 1049/2001 in accordance with Article 58;		<i>No changes in the text by the Commission, EP and Council.</i>
	<i>(o a) establish measures for the application of Regulation (EC) 45/2001 by the Agency, including those concerning the appointment of a Data Protection Officer of the Agency;</i>			<i>To be discussed with Council Legal Service in view of ongoing discussions regarding Chapter 7 (Data</i>

				Protection).
(p) adopt the Agency's staff policy in accordance with Article 55;	(p) adopt the Agency's staff policy in accordance with Article 55;	(p) adopt the Agency's staff policy in accordance with Article 55;		<i>No changes in the text by the Commission, EP and Council.</i>
(q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;	(q) adopt, having requested the opinion of the Commission, the programming document in accordance with Article 41;	(q) adopt [...] each year the Agency's programming document in accordance with Article 41;		(q) adopt [...] each year the Agency's programming document in accordance with Article 41;
(r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;	(r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;	(r) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification;		<i>No changes in the text by the Commission, EP and Council.</i>

(s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);	(s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);	(s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF);		<i>No changes in the text by the Commission, EP and Council.</i>
(t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);	(t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);	(t) adopt the operational standards, indicators, guidelines and best practices developed by the Agency in accordance with Article 12(2);		<i>No changes in the text by the Commission, EP and Council.</i>
(u) endorse the common analysis concerning country of origin information and any review of that common analysis in accordance with Article 10(2) and (3);		(u) endorse [...] the guidance notes concerning country of origin information and any review [...] or update of those guidance notes in accordance with Article 10(2) and (3);		(u) endorse [...] the guidance notes concerning country of origin information and any review [...] or update of those guidance notes in accordance with Article 10(2) and (3);
		(uu) adopt a decision establishing a common methodology for the monitoring mechanism referred to in Article 13;		(uu) adopt a decision establishing a common methodology for the monitoring mechanism referred to in Article 13;

(v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);	(v) set the programme for monitoring and assessing the asylum and reception systems in accordance with Article 14(1);	(v) adopt the programme for monitoring [...] the operational and technical application of the CEAS in accordance with Article 14(1), and endorse the composition of the teams of experts as set up by the Executive Director in accordance with point (na) of Article 46(5);		(v) adopt the programme for monitoring [...] the operational and technical application of the CEAS in accordance with Article 14(1), and endorse the composition of the teams of experts as set up by the Executive Director in accordance with point (na) of Article 46(5)(na);
(w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);	(w) adopt the draft report of the team of experts carrying out the monitoring exercise in accordance with Article 14(3);	(w) <i>deleted</i>		(w) <i>deleted</i>
(x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);	(x) adopt the recommendations following a monitoring exercise in accordance with Article 14(4);	(x) adopt the recommendations following a monitoring exercise in accordance with Article 14(3);		(x) adopt the recommendations following a monitoring exercise in accordance with Article 14(3);

(y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);	(y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams in accordance with Article 17(3);	(y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams including for the asylum reserve pool in accordance with Article [...] 19A(2) and 19A(6);		(y) set up and decide on the profiles and overall numbers of experts to be made available for the asylum support teams including for the asylum reserve pool in accordance with Article [...] 19A(2) and 19A(6);
(z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2);	(z) set up and decide on the profiles and overall numbers of experts to be made available for the asylum intervention pool in accordance with Article 18(2);	(z) <i>deleted</i>		(z) <i>deleted</i>
(aa) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;	(a a) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;	(aa) adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent, as well as a working arrangement with the Commission for its implementation;		<i>No changes in the text by the Commission, EP and Council.</i>

(bb) authorise the conclusion of working arrangements in accordance with Article 35.	(b b) authorise the conclusion of working arrangements in accordance with Article 35.	(bb) authorise and approve the conclusion of working arrangements in accordance with Articles 35, 36 and 37 .		(bb) authorise and approve the conclusion of working arrangements in accordance with Articles 35, 36 and 37 .
2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.	2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.		<i>No changes in the text by the Commission, EP and Council.</i>

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.		<i>No changes in the text by the Commission, EP and Council.</i>
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<p>3. The Management Board may establish an Executive Board, composed of the Chairperson of the Management Board, the two representatives of the Commission to the Management Board and three other members of the Management Board, to assist it and the Executive Director with regard to the preparation of decisions, the annual and multi-annual programming and activities to be adopted by the Management Board. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters.</p>	<p>3. The Management Board may establish <i>a small-sized</i> Executive Board [...], <i>in order</i> to <i>provide</i> it and the executive director <i>with assistance as</i> regards the preparation of <i>the</i> decisions, <i>programmes</i> and activities to be adopted by the Management Board <i>and to</i> take certain provisional, <i>urgent</i> decisions on behalf of the Management Board <i>when necessary. The Executive Board shall not take decisions that are required to be passed by either a two-thirds or three-quarters majority of the members of the Management Board entitled to vote. The management board may delegate certain clearly defined tasks to the Executive Board, in particular where this improves the efficiency of the Agency. The Management Board may not delegate to the Executive Board tasks related to decisions that are required to be passed by either a two-thirds or three-quarters</i></p>	<p>3. The Management Board may establish a small-sized Executive Board [...] to assist it and the Executive Director with regard to the preparation of decisions, [...] programmes and activities to be adopted by the Management Board. When necessary, [...] the Executive Board may take certain provisional, urgent decisions on behalf of the Management Board, in particular on administrative management matters. The Executive Board shall not take decisions that must be passed by either a majority of two-thirds or three-fourths of the Management Board. The Management Board may delegate certain clearly defined tasks to the Executive Board, in particular where this improves the efficiency of the Agency. It may not delegate to the Executive Board tasks related to the decisions that must be passed by either a majority of two-</p>		<p>3. The Management Board may establish <i>a small-sized</i> Executive Board [...], <i>in order</i> to <i>provide</i> it and the executive director <i>with assistance as</i> regards the preparation of <i>the</i> decisions, <i>programmes</i> and activities to be adopted by the Management Board <i>and to</i> take certain provisional, <i>urgent</i> decisions on behalf of the Management Board <i>when necessary. The Executive Board shall not take decisions that are required to be passed by either a two-thirds or three-fourths majority of the members of the Management Board entitled to vote. The management board may delegate certain clearly defined tasks to the Executive Board, in particular where this improves the efficiency of the Agency. The</i></p>
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	<p><i>majority of the members of the Management Board entitled to vote.</i></p>	<p>thirds or three-fourths of the Management Board. For the purposes of establishing the Executive Board, the Management Board shall establish its rules of procedure which shall in particular cover its composition and functions.</p>		<p><i>Management Board may not delegate to the Executive Board tasks related to decisions that are required to be passed by either a two-thirds or <u>three-fourths</u> majority of the members of the Management Board entitled to vote.</i></p>
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<i>Article 41</i> Multi-annual programming and annual work programmes		<i>Article 41</i> Multi-annual programming and annual work programmes		
<i>Amendment 82</i>				
1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.	1. By 30 November each year, the Management Board shall adopt a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward it to the European Parliament, the Council and the Commission.	1. By 30 November each year, the Management Board shall adopt, by a majority of two-thirds of members entitled to vote , a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming, after consulting the European Parliament. The Management Board shall forward [...] the draft programming document to the European Parliament, the Council and the Commission.		1. By 30 November each year, the Management Board shall adopt, by a majority of two-thirds of members entitled to vote , a programming document containing the multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and for the multi-annual programming,

				<p>after consulting the European Parliament. The Management Board shall forward [...] the draft programming document to the European Parliament, the Council and the Commission.</p> <p><i>The reference to a two-third majority is in line with the Common approach (point 13 of Annex).</i></p>
The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.	The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.	The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.		<i>No changes in the text by the Commission, EP and Council.</i>

A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.	A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.	A draft version of the programming document shall be sent to the European Parliament, the Council and the Commission no later than 31 January each year as well as any later updated version of that document.		<i>No changes in the text by the Commission, EP and Council.</i>
2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.	2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.	2. The multi-annual programming shall set out the overall strategic programming in the medium and long-term including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.		<i>No changes in the text by the Commission, EP and Council.</i>

<p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p>	<p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 34 and 37, <i>the Fundamental Rights Strategy referred to in Article 54a</i>, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p>	<p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 35 and 37, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p>		<p>The multi-annual programming shall set the strategic areas of intervention and explain what needs to be done to achieve the objectives. It shall include the strategy for relations with third countries or international organisations referred to in Articles 35 and 37, <i>[the Fundamental Rights Strategy referred to in Article 54a]</i>, respectively, and the actions linked to that strategy, as well as specification of associated resources.</p>
<p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>	<p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>	<p>The multi-annual programming shall be implemented by means of annual work programmes and it shall be updated annually. The multi-annual programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 66.</p>		<p><i>No changes in the text by the Commission, EP and Council.</i></p>

<p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p>	<p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p>	<p>3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each activity, in accordance with the principles of the activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual programming referred to in paragraph 2. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.</p>		<p><i>No changes in the text by the Commission, EP and Council.</i></p>
<p>4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.</p>	<p>4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.</p>	<p>4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency.</p>		<p><i>No changes in the text by the Commission, EP and Council.</i></p>

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.	Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.	Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.		<i>No changes in the text by the Commission, EP and Council.</i>
<i>Article 42</i> Chairperson of the Management Board		<i>Article 42</i> Chairperson of the Management Board		Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017 <i>Article 42</i> Chairperson of the Management Board

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

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

1. The Chairperson shall convene meetings of the Management Board.		1. The Chairperson shall convene meetings of the Management Board.		<p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>1. The Chairperson shall convene meetings of the Management Board.</p>
2. The Executive Director shall take part in the deliberations, without the right to vote.		2. The Executive Director shall take part in the deliberations, without the right to vote.		<p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>2. The Executive Director shall take part in the deliberations, without the right to vote.</p>

<p>3. The representative of UNHCR shall not take part in the meeting when the Management Board performs the functions laid down in points (l), (o), (p), (q) and (r) of Article 40(1) and in Article 40(2), and when the Management Board decides to make financial resources available for financing UNHCR activities enabling the Agency to benefit from the its expertise as provided for in Article 49.</p>		<p>3. The representative of UNHCR shall not take part in the meeting when the Management Board performs the functions laid down in points (f), (g), (j), (k), (l), (o), (p), (q), (r) and (s) of Article 40(1) and in Article 40(2), and when the Management Board decides to make financial resources available for financing UNHCR activities enabling the Agency to benefit from the its expertise as provided for in Article 49.</p>		<p>Outcome of TM 27/02/2017 technical adaptation needed on the basis of Article 40 - confirmed by trilogue 8/3/2017</p>
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4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.		4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.		<p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>4. The Management Board shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of its Chairperson, at the request of the Commission, or at the request of one-third of its members.</p>
5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.		5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.		<p>Outcome of TM 27/02/2017 - confirmed by trilogue 8/3/2017</p> <p>5. The Management Board may invite any person whose opinion may be of interest to attend its meetings as an observer.</p>

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

<i>Article 44</i> Voting rules of the Management Board		<i>Article 44</i> Voting rules of the Management Board		
1. Unless otherwise provided, the Management Board shall take its decisions by majority of its members with voting rights.		1. Unless otherwise provided, the Management Board shall take its decisions by an absolute majority of its members with voting rights.		1. Unless otherwise provided, the Management Board shall take its decisions by an absolute majority of its members with voting rights. <i>The reference to an “absolute majority” is in line with the Common Approach (point 13 of Annex).</i>
2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his or her alternate shall be entitled to exercise his or her right to vote.		2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his or her alternate shall be entitled to exercise his or her right to vote.		2. Each member with voting rights shall have one vote. In the absence of a member with the right to vote, his or her alternate shall be entitled to exercise his or her right to vote.
3. The Chairperson shall take part in the voting.		3. The Chairperson shall take part in the voting.		3. The Chairperson shall take part in the voting.

4. The Executive Director shall not take part in the voting.		4. The Executive Director shall not take part in the voting.		4. The Executive Director shall not take part in the voting.
		4a. Member States that do not fully participate in the acquis of the Union in the field of asylum shall not vote where the Management Board is called on to adopt operational standards, indicators, guidelines or best practices which relate exclusively to an asylum instrument of the Union by which they are not bound.		4a. Member States that do not fully participate in the acquis of the Union in the field of asylum shall not vote where the Management Board is called on to adopt operational standards, indicators, guidelines or best practices which relate exclusively to an asylum instrument of the Union by which they are not bound.
5. The Management Board's Rules of Procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.		5. The Management Board's Rules of Procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.		5. The Management Board's Rules of Procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.

<i>Article 45</i> Executive Director		<i>Article 45</i> Executive Director		
<i>Amendment 83</i>				
1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.	1. The Executive Director <i>and the Deputy Executive Director, who shall assist the Executive Director,</i> shall be <i>members</i> of staff and shall be recruited as temporary <i>agents</i> of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.	1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.		1. The Executive Director shall be a member of staff and shall be recruited as a temporary agent of the Agency in accordance with Article 2(a) of the Conditions of Employment of Other Servants.

2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.	2. The <i>European Parliament and the Council shall appoint by common accord the Executive Director based on a list of at least three</i> candidates proposed by the Commission, following <i>the publication of the post in the Official Journal of the European Union and other press or internet sites as appropriate.</i> The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.	2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum.		2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure. The Executive Director shall be appointed on the ground of merit and documented high-level administrative and management skills as well as senior professional experience in the field of migration and asylum. <i>The Council text is in line with the 2012 Common Approach (point 16 of the Annex)</i>
For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.	<i>deleted</i>	For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.		For the purpose of concluding the contract with the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.

	<p><i>2a. The Deputy Executive Director shall be appointed by the Management Board on the proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of the CEAS. The Executive Director shall propose at least three candidates for the post of Deputy Executive Director. The Management Board shall take its decision by a two-thirds majority of all members with a right to vote.</i></p>			<p><i>The Council text addresses the appointment of the Deputy Executive Director in Article 47. The scope and substance behind the EP's amendment is found in Article 47(2) of the Council text.</i></p>
	<p><i>The Management Board shall have the power to dismiss the Deputy Executive Director in accordance with the procedure set out in the first subparagraph.</i></p>			<p><i>The Council text addresses this point in Article 47. The scope and substance behind the EP's amendment is found in Article 47(2) of the Council text.</i></p>

	<i>2b. The Executive Director and the Deputy Executive Director shall be eligible for reappointment once for no more than five years.</i>			<i>The Council text addresses this point in Article 47. The scope and substance behind the EP's amendment is found in Article 47(2) of the Council text.</i>
3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.	<i>deleted</i>	3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.		3. Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.
4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.	4. The term of office of <i>the Deputy Executive Director and of the</i> Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the <i>Deputy Executive Director's and</i> Executive Director's performance and the Agency's future tasks and challenges.	4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.		4. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.

5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.	<i>deleted</i>	5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.		5. The Management Board, acting on a proposal from the Commission that takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once for no more than five years.
6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.	<i>deleted</i>	6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.		6. The Management Board shall inform the European Parliament if it intends to extend the Executive Director's term of office. Within one month before any such extension, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members.

7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.	7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.	7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.		7. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
8. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.	<i>deleted</i>	8. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.		8. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.
9. The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.	<i>deleted</i>	9. The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.		9. The Management Board shall take decisions on appointment, extension of the term of office or removal from office of the Executive Director by a two-thirds majority of its members with the right to vote.
<i>Article 46</i> Responsibilities of the Executive Director		<i>Article 46</i> Responsibilities of the Executive Director		
<i>Amendment 84</i>				

1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.	1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.	1. The Executive Director shall manage the Agency. The Executive Director shall be accountable to the Management Board.		<i>No changes in the text by the Commission, EP and Council.</i>
2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body.	2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body.	2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government, institution, person or any other body.		<i>No changes in the text by the Commission, EP and Council.</i>
3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.	3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.	3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.		<i>No changes in the text by the Commission, EP and Council.</i>

4. The Executive Director shall be the legal representative of the Agency.	4. The Executive Director shall be the legal representative of the Agency.	4. The Executive Director shall be the legal representative of the Agency.		<i>No changes in the text by the Commission, EP and Council.</i>
5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:	5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:	5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall be responsible for:		<i>No changes in the text by the Commission, EP and Council.</i>
(a) the day-to-day administration of the Agency;	(a) the day-to-day administration of the Agency;	(a) the day-to-day administration of the Agency;		<i>No changes in the text by the Commission, EP and Council.</i>
(b) implementing decisions adopted by the Management Board;	(b) implementing decisions adopted by the Management Board;	(b) implementing decisions adopted by the Management Board;		<i>No changes in the text by the Commission, EP and Council.</i>
(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;	(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;	(c) preparing the programming document and submitting it to the Management Board after consulting the Commission;		<i>No changes in the text by the Commission, EP and Council.</i>

(d) implementing the programming document and reporting to the Management Board on its implementation;	(d) implementing the programming document and reporting to the Management Board on its implementation;	(d) implementing the programming document and reporting to the Management Board on its implementation;		<i>No changes in the text by the Commission, EP and Council.</i>
(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;	(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;	(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for adoption;		<i>No changes in the text by the Commission, EP and Council.</i>
(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;	(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;	(f) preparing an action plan following-up conclusions of internal or external audit reports and evaluations, as well as investigations by the European Anti-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board and to the Executive Board;		<i>No changes in the text by the Commission, EP and Council.</i>

(g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;	(g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;	(g) without prejudicing the investigative competence of OLAF, protecting the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;		<i>No changes in the text by the Commission, EP and Council.</i>
(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;	(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;	(h) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;		<i>No changes in the text by the Commission, EP and Council.</i>
(i) preparing the draft financial rules applicable to the Agency;	(i) preparing the draft financial rules applicable to the Agency;	(i) preparing the draft financial rules applicable to the Agency;		<i>No changes in the text by the Commission, EP and Council.</i>

(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;	(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;	(j) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;		<i>No changes in the text by the Commission, EP and Council.</i>
(k) exercising the powers laid down in Article 55 in respect of the Agency's staff;	(k) exercising the powers laid down in Article 55 in respect of the Agency's staff;	(k) exercising the powers laid down in Article 55 in respect of the Agency's staff;		<i>No changes in the text by the Commission, EP and Council.</i>
(l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b);	(l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b);	(l) taking all decisions on the management of the information systems provided for in this Regulation, including the information portal referred to in Article 8(2)(b);		<i>No changes in the text by the Commission, EP and Council.</i>
(m) taking all decisions on the management of the Agency's internal structures;	(m) taking all decisions on the management of the Agency's internal structures;	(m) taking all decisions on the management of the Agency's internal structures;		<i>No changes in the text by the Commission, EP and Council.</i>
		(ma) drafting reports on the situation in third countries as referred to in Article 8;		(ma) drafting reports on the situation in third countries as referred to in Article 8;

(n) submitting the common analysis to the Management Board in accordance with Article 10(2);	(n) submitting the common analysis to the Management Board <i>for review</i> in accordance with Article 10(2);	(n) submitting the common analysis and guidance notes to the Management Board in accordance with Article 10(2);		<i>No changes in the text by the Commission, EP and Council.</i>
		(na) set up teams of experts for the purpose of Articles 13 and 14 which shall be composed of experts from the Agency's own staff, the Commission and, where necessary, the Member States;		(na) set up teams of experts for the purpose of Articles 13 and 14 which shall be composed of experts from the Agency's own staff, the Commission and, where necessary, the Member States;
		(nb) initiate a monitoring exercise either on its own initiative, in consultation with the Commission, or at the request of the Commission in accordance with Article 14(2);		(nb) initiate a monitoring exercise either on its own initiative, in consultation with the Commission, or at the request of the Commission in accordance with Article 14(2);

(o) submit draft reports and draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4);	(o) finalising reports and submitting draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) and (4);	(o) submit the findings and draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3) [...];		(o) finalising reports and submitting draft recommendations in the context of the monitoring exercise to the Member State concerned and subsequently to the Management Board in accordance with Article 14(3);
	<i>(o a) submitting reports on compliance with the duty to cooperate in good faith to the Management Board and to the Commission in accordance with Article 3(4);</i>			<i>(o a) submitting reports on compliance with the duty to cooperate in good faith to the Management Board and to the Commission in accordance with Article 3(4);</i>
(p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;	(p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;	(p) evaluating, approving and coordinating requests for operational and technical assistance in accordance with Article 16(2) and Article 20;		<i>No changes in the text by the Commission, EP and Council.</i>
(q) ensuring the implementation of the operational plan referred to in Article 19;	(q) ensuring the implementation of the operational plan referred to in Article 19;	(q) ensuring the implementation of the operational plan referred to in Article 19;		<i>No changes in the text by the Commission, EP and Council.</i>

(r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1);	(r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1);	(r) ensuring coordination of the Agency's activities in the migration management support teams with the Commission and other relevant Union agencies in accordance with Article 21(1);		<i>No changes in the text by the Commission, EP and Council.</i>
(s) ensuring implementation of the Commission decision referred to in Article 22(3);	(s) ensuring implementation of the Commission decision referred to in Article 22(3);	(s) ensuring implementation of the Council decision referred to in Article 22(1);		(s) ensuring implementation of the Council decision referred to in Article 22(1);
(t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);	(t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);	(t) deciding, in consultation with the Management Board, on the acquisition or lease of technical equipment in accordance with Article 23(2);		<i>No changes in the text by the Commission, EP and Council.</i>
	<i>(t a) proposing a candidate for appointment as the Fundamental Rights Officer in accordance with Article 47a of this Regulation;</i>			<i>This point is subject to further discussions on the FRO. This provision differs from the EBCG Regulation.</i>
(u) appointing a coordinating officer of the Agency in accordance with Article 25(1).	(u) appointing a coordinating officer of the Agency in accordance with Article 25(1).	(u) appointing a coordinating officer of the Agency in accordance with Article 25(1).		<i>No changes in the text by the Commission, EP and Council.</i>

<i>Amendment 85</i>				
<i>Article 47</i> Deputy Executive Director	<i>deleted</i>	<i>Article 47</i> Deputy Executive Director		
1. A Deputy Executive Director shall assist the Executive Director.		1. A Deputy Executive Director shall assist the Executive Director in the management of the Agency and in the performance of his or her tasks as referred to in Article 46(5). If the Executive Director is absent or indisposed, the Deputy Executive Director shall take his or her place.		1. A Deputy Executive Director shall assist the Executive Director in the management of the Agency and in the performance of his or her tasks as referred to in Article 46(5). If the Executive Director is absent or indisposed, the Deputy Executive Director shall take his or her place.

<p>2. The provisions of Article 45 shall apply to the Deputy Executive Director.</p>		<p>2. The Deputy Executive Director shall be appointed by the Management Board on a proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of asylum. The Executive Director shall propose at least three candidates for the post of the Deputy Executive Director. The Management Board shall have the power to extend the term of office or to remove the Deputy Executive Director from office acting on the proposal from the Executive Director. The provisions of Article 45 (1), (4), (7) and (9) shall apply to the Deputy Executive Director.</p>		<p>2. The Deputy Executive Director shall be appointed by the Management Board on a proposal of the Executive Director. The Deputy Executive Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of asylum. The Executive Director shall propose at least three candidates for the post of the Deputy Executive Director. The Management Board shall have the power to extend the term of office or to remove the Deputy Executive Director from office acting on the proposal from the Executive Director. The provisions of Article 45 (1), (4), (7) and (9) shall</p>
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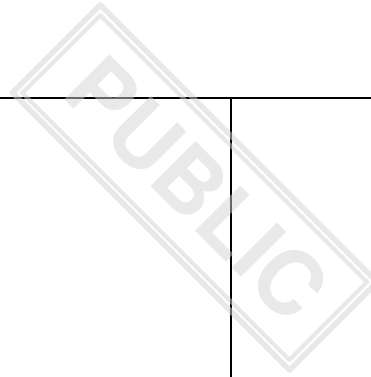
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				apply to the Deputy Executive Director.
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<i>Amendment 86</i>				
	<i>Article 47a</i>			
	<p><i>1. A Fundamental Rights Officer shall be appointed by the Management Board on a proposal from the Executive Director, following consultation with and the Consultative Forum. The Fundamental Rights Officer shall have the necessary qualifications and experience in the field of fundamental rights and asylum. The Fundamental Rights Officer shall be responsible for drawing up the Fundamental Rights Strategy, monitoring compliance with fundamental rights and promoting the respect of fundamental rights by the Agency.</i></p>			<p><i>This Article is being discussed in the context of a horizontal discussion on fundamental rights.</i></p>

	<p><i>2. The Fundamental Rights Officer shall be independent in the performance of his or her duties, shall report directly to the Management Board and shall cooperate with the Consultative Forum. The Fundamental Rights Officer shall report to the Consultative Forum on a regular basis and as such contribute to the mechanism for monitoring fundamental rights referred to in Article 54a.</i></p>			
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	<p><i>3. The Fundamental Rights Officer shall be consulted, inter alia, on the operational plans drawn up in accordance with Article 19, on the operational activities organised by or with the involvement of the Agency, codes of conduct, cooperation with third countries, the withdrawal of the financing, the suspension or the termination of an activity of the Agency and training curricula. The Fundamental Rights Officer shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency, including by carrying out on-site visits to any operational activity carried out by the Agency or where the Agency participates, including in third countries. The Fundamental Rights Officer shall be responsible for establishing, further developing and implementing the complaints mechanism</i></p>			
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	<i>pursuant to Article 54c.</i>			
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	<i>4. The Agency shall ensure that the Fundamental Rights Officer has the sufficient staff and resources to carry out his or her tasks. The Fundamental Rights Officer shall have control over his or her budget.</i>			
<i>Article 48</i> Consultative Forum		<i>Article 48</i> Consultative Forum		
<i>Amendment 87</i>				
1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum.	1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum.	1. The Agency shall maintain a close dialogue with relevant civil society organisations and relevant competent bodies operating in the field of asylum policy at local, regional, national, Union or international level. For that purpose, the Agency shall set up a Consultative Forum.		<i>No changes in the text by the Commission, EP and Council.</i>

2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.	2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 and shall assist the Executive Director and the Management Board in matters covered by this Regulation.	2. The Consultative Forum shall constitute a mechanism for the exchange of information and sharing of knowledge. It shall ensure a close dialogue between the Agency and relevant organisations or bodies as referred to in paragraph 1 [...].		<i>No changes in the text by the Commission, EP and Council.</i>
3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.	3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States, UNHCR and other relevant organisations or bodies as referred to in paragraph 1.	3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Border and Coast Guard Agency [...], UNHCR and other relevant organisations or bodies as referred to in paragraph 1.		3. The Agency shall invite the European Union Agency for Fundamental Rights, the European Border and Coast Guard Agency [...], UNHCR and other relevant organisations or bodies as referred to in paragraph 1.

On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum.	[...] The Executive Director, [...] shall decide on the composition of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum. <i>The Consultative Forum shall, after consulting the Management Board and the Executive Director, define its working methods including thematic or geographic-focused working groups as deemed necessary and useful.</i>	On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum.		On a proposal by the Executive Director, the Management Board shall decide on the composition and working methods of the Consultative Forum, including thematic or geographic-focused consultation groups, and the modalities of transmission of information to the Consultative Forum. <i>The Consultative Forum shall, after consulting the Management Board and the Executive Director, define its working methods including thematic or geographic-focused working groups as deemed necessary and useful.</i>
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4. The Consultative Forum shall assist the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.	4. The Consultative Forum shall advise the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.	4. The Consultative Forum shall advise the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.		4. The Consultative Forum shall advise the Executive Director and the Management Board in matters related to asylum, in accordance with specific needs in areas identified as a priority for the Agency's work.
	<i>4a. The Consultative Forum shall, in particular, be consulted on the establishment of the mechanism referred to in Article 13, further development and implementation of the Fundamental Rights Strategy, codes of conduct, working arrangements with third countries, the complaint mechanism referred to in Article 54c, operational plans and common core curricula.</i>			<i>Counsellors' views on this point are being requested. The reference to "common core curricula" (plural) should be changed to "European asylum curriculum" (singular).</i>
5. The Consultative Forum shall, in particular:	5. The Consultative Forum shall, in particular:	5. The Consultative Forum shall, in particular:		<i>No changes in the text by the Commission, EP and Council.</i>

(a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;	(a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;	(a) make suggestions to the Management Board on the annual and multi-annual programming referred to in Article 41;		<i>No changes in the text by the Commission, EP and Council.</i>
(b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and	(b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and	(b) provide feedback to the Management Board and suggest measures as follow-up to the annual report on the situation of asylum in the Union referred to in Article 65; and		<i>No changes in the text by the Commission, EP and Council.</i>
(c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency.	(c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency.	(c) communicate to the Executive Director and the Management Board conclusions and recommendations of conferences, seminars and meetings, as well as on findings from studies or field work carried out by any of the member organisations or bodies of the Consultative Forum which is relevant to the work of the Agency.		<i>No changes in the text by the Commission, EP and Council.</i>

	<i>5a. The Management Board shall ensure that adequate human and financial resources are allocated to the Consultative Forum.</i>			
6. The Consultative Forum shall meet at least twice a year.	6. The Consultative Forum shall meet at least twice a year.	6. The Consultative Forum shall meet at least [...] once a year.		<i>Counsellors views on the EP text are being requested.</i>