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WORKING PAPER

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From:	Presidency
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

With a view to the JHA Counsellors meeting on 28 May 2018, delegations will find attached a Presidency note explaining the package deal.

Proposal for a Package Deal with the EP on the Qualification Regulation

The following table contains a proposal for a package deal on the most important provisions in the Qualification Regulation, on which the co-legislators haven't agreed yet (other provisions, not mentioned here are covered in the distributed four column table).

This table does not reflect the final position of the EP or the Council and only serves to facilitate Member States in their reading of the distributed fourth column table. Because of the close links between the different provisions in the Regulation and the dynamic nature of the negotiations, proposals in both columns are subject to change and can be revisited from both sides depending on the outcome of the overall discussions.

	<u>Council</u> to get	<u>EP</u> to get
I. Art. 2 (9), art. 25, art. 36 Definition of family members, family unity, unaccompanied minors	- No siblings in the definition of family members, or in art. 25 (1); - No inclusion of married minors <i>per se</i> – reference to national law; - No deadline for appointing a guardian in art. 36	- Council accepts Art. 2 (9) a) - Dependent children to be included in the definition in art. 2 (9) b); - Mentioning of sibling in art. 2 (9) c) and art. 25 (6)
II. Article 4 – assessment of facts and circumstances	- Council keeps art. 4 (1) (d) in the enacting terms (merged with letter (e)) - EP accepts Council position in art. 4 (5) (b)	Council accepts art. 4 (4)
III. Art. 8 - internal protection alternative	- Obligatory assessment of the internal protection alternative in art. 8; - No exclusion of minors from IPA	Council accepts art. 14 (4)
IV. Article 10 (1) d) – reasons for persecution	- Council keeps the two indents as cumulative	- Council accepts the wording <i>gender expression</i> in 10 (1) d), subpara 2.
V. Article 18 – exclusion grounds for subsidiary protection	- EP drops amendment 113	New recital on the notion <i>danger to the community</i> is introduced.
VI. Art. 26, art. 22 (3a) – Residence permits	- No period on the validity of the residence permit; - The deadline for the issuance of the validity permits is 90 days	- Deletion of Article 23 (2), - Obligation in art. 22 (3a) to provide access to the rights until a residence permit is issued

VII. Articles 15 and 21- review of the international protection status	- Council keeps the <i>shall</i> clause in art. 15 and 21	- Council agrees to a small redrafting of recital (39)
VIII. Article 39 - repatriation	EP to agree to a <i>may</i> clause	Deletion of art. 28 (2)