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WORKING PAPER

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From:	Presidency
To:	Delegations
N° Cion doc.:	11316/16
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 their meeting on 7 June, delegations will find attached a 4-column table on the above subject, in addition to the one set out in WK 6672/2018.

Compromise proposals on recitals (3a), (11), (13), (32), (34), (45b) and (52)

Recital (3a)

	Amendment 4 <i>(3a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. A move by Member States towards a mutual recognition of asylum decisions issued by other Member States which grant international protection to persons in need would ensure the proper implementation of Article 78(2) of the Treaty on the Functioning of the European Union (TFEU), which calls for a uniform status of asylum, valid throughout the Union.</i>		<u>(3a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. A move by Member States towards a mutual recognition of asylum decisions issued by other Member States which grant international protection to persons in need could help contribute to the proper implementation of Article 78(2) of the Treaty on the Functioning of the European Union (TFEU), which calls for a uniform status of asylum, valid throughout the Union.</u>
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Recital (11)

(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full	Amendment 12 (11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the Charter), <i>the European Convention on Human Rights (the</i>	(11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'). In particular this Regulation seeks to ensure full	<i>Possible compromise text:</i> (11) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter') <u>and the European Convention of</u>
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respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.	<i>ECHR) and the European Social Charter.</i> In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, <i>protection in the event of removal, expulsion or extradition, equality before the law,</i> non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.	respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.	<u>Human Rights (the ECHR).</u> In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, <u>protection in the event of removal, expulsion or extradition, equality before the law,</u> non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.
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Recital (13)

(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their	Amendment 13 (13) The resources of the Asylum, Migration and [...] <i>Integration</i> Fund should be used to provide adequate support to Member States' efforts in implementing the <i>high</i> standards set by the Regulation, [...] <i>with priority</i> to those Member States [...] <i>that</i> are faced with specific and	(13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their	<i>Possible compromise text:</i> (13) The resources of the Asylum, Migration and Refugee Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by the Regulation, in particular to those Member States which are faced with specific and disproportionate pressure on their
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asylum systems, due in particular to their geographical or demographic situation.	disproportionate pressure on their asylum systems, due in particular to their geographical or demographic situation. <i>While the general principle of the prohibition of double funding should be respected, Member States should take full advantage, at all levels of governance, of the possibilities offered by funds which are not directly related to asylum and migration policy but which can be used to fund actions in that area, for example integration actions, such as the funds available under the European Social Fund, the Fund for European Aid to the Most Deprived, Horizon 2020, the European Regional Development Fund, and the Rights, Equality and Citizenship Programme. Those funds should be made directly accessible to local and regional authorities for actions that fall directly under their responsibilities.</i>	asylum systems, due in particular to their geographical or demographic situation.	asylum systems, due in particular to their geographical or demographic situation. <u>While the general principle of the prohibition of double funding should be respected, Member States should take full advantage, at all levels of governance, of the possibilities offered by funds which are not directly related to asylum and migration policy but which can be used to fund actions in that area.</u>
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Recital (32)

(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to	Amendment 29 (32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in	(32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined in	<i>Possible compromise text:</i> (32) Standards for the definition and content of subsidiary protection status should also be laid down. Subsidiary protection should be complementary and additional to the refugee protection enshrined
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the refugee protection enshrined in the Geneva Convention.	the Geneva Convention. <i>While the grounds for protection differs between refugee and subsidiary protection, the ongoing need for protection may be similar in duration.</i>	the Geneva Convention. The content of protection of refugee status and subsidiary protection status might only differ where explicitly stated in the regulatory part of this Regulation. This Regulation nevertheless allows Member States to grant the same rights and benefits to both statuses.	in the Geneva Convention. The content of protection of refugee status and subsidiary protection status might only differ where explicitly stated in the regulatory part of this Regulation, <u>while the need for protection could be similar in duration.</u> This Regulation nevertheless allows Member States to grant the same rights and benefits to both statuses.
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Recital (34)

(34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice, should include violence that may extend to people irrespective of their personal circumstance.	Amendment 30 (34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice <i>and the European Court of Human Rights</i> , should include violence that may extend to people irrespective of their personal circumstance. <i>Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign</i>	(34) For the purpose of assessing serious harm which may qualify applicants as persons eligible for subsidiary protection, the notion of indiscriminate violence, <i>[...]implies that this violence[...]</i> extends to people irrespective of their personal circumstances.	<i>Possible compromise text:</i> (34) For the purpose of assessing serious harm which may qualify applicants as persons eligible for subsidiary protection, the notion of indiscriminate violence, implies that this violence extends to people irrespective of their personal circumstances. <u>Factors to be taken into account when determining whether indiscriminate violence exists could include, inter alia, external aggression, occupation, foreign domination, internal conflicts, severe violations of human rights.</u>
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	<i>domination, internal conflicts, severe violations of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.</i>		
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Recital (45b)

			<i>Compromise proposal, to be seen together with art. 18 (1) (d)</i> (45b) <u>Member States retain a certain discretion with regard to the notion of</u> danger to the community. Weather a person constitutes a danger to the community should be assessed on a case-by-case basis, taking into account whether the personal conduct of the individual represents a genuine, present threat affecting one of the fundamental values of society, or an economic and social danger for society at large, or a threat to the calm and physical safety of the population.
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Recital (52)

(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.	Amendment 47 (52) Access to healthcare, including both physical and mental healthcare, <i>as well as sexual and reproductive healthcare</i> , should be ensured to beneficiaries of international protection.	(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.	<i>Compromise proposal. The EP has indicated that if we keep their amendment here they could agree to Council's recital (41a)</i> (52) Access to healthcare, including both physical and mental healthcare, <u>as well as sexual and reproductive healthcare</u> , should be ensured to beneficiaries of international protection.
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