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From:	Presidency
To:	JHA Counsellors (Asylum)
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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

For the purposes of their meeting on 21 June, Counsellors will find attached a document containing possible compromise suggestions for Chapter 3 of the EUAA proposal.

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

2. The Agency shall, in particular:	2. The Agency shall, in particular:	2. The Agency shall, in particular:	<i>Outcome of technical discussions:</i> 2. The Agency shall, in particular:
(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;	(a) make use of all relevant sources of information, including its information analysis on the situation of asylum and other information gathered from the UNHCR and the other bodies, organisations and persons referred to in Article 2 (2a), including through the networks referred to in Article 9 and the Consultative Forum referred to in Article 48, fact finding missions coordinated by the Agency, as well as Union institutions, agencies, bodies, offices and the European External Action Service;	(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;	(a) make use of all relevant sources of information, including [...] information gathered from [...] international organisations, in particular UNHCR, and other relevant organisations, including Members of the Consultative Forum through the networks referred to in Article 9, fact-finding missions, [...] and through Union institutions, agencies, bodies, offices [...] as well as the European External Action Service;
(b) manage and further develop a portal for gathering information on countries of origin;	(b) manage and further develop a publicly accessible portal for gathering and disseminating information on countries of origin;	(b) manage and further develop a portal for gathering and sharing information on relevant third countries [...];	(b) manage and further develop a portal for gathering and sharing information on relevant third countries [...] which shall include a public section for general users and a restricted section for internal users who are employees of the Member States' asylum and immigration authorities or any other body mandated by a Member State to carry out research on

			country of origin information;
(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 in consultation with the Consultative Forum as well as the UNHCR and other relevant intergovernmental and non-governmental organisations, researchers and academics 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 in line with the requirements of international and Union asylum law .	(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.
Article 9 European networks on country of origin information		Article 9 European networks on third country information	Article 9 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. 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.	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>Outcome of technical discussions:</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. Such networks may, where appropriate and on a case by case basis, involve external experts with relevant expertise from UNHCR and other relevant organisations.
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:	<i>Outcome of technical discussions:</i> 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) periodically 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 and assist in responding to queries related to specific questions of fact that may arise from applications for international protection, without prejudice to privacy, data protection and 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 and assist in responding to queries related to specific questions of fact that may arise from applications for international protection, without prejudice to privacy, data protection and, as established in national law, 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.
Article 10 Common analysis on country of origin information		Article 10 Common analysis [...] and guidance notes	<i>Outcome of technical discussions:</i> Article 10 Common analysis [...] and guidance notes on countries of origin

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.	<i>Outcome of technical discussions:</i> 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.
	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.		In the development of the common analysis and guidance notes, the Agency shall take note of the most recent UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from specific countries of origin.

<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><i>Outcome of technical discussions:</i></p> <p>2. The Executive Director shall, after consulting the Commission, [...] submit [...] the guidance notes to the Management Board for endorsement. [...] The guidance notes shall be accompanied by the common analysis.</p> <p><i>Counsellors are kindly requested to show flexibility regarding the insertion of “after consulting the Commission” which is in both the Commission proposal and the EP position.</i></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><i>Outcome of technical discussions:</i></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><i>Outcome of technical discussions:</i></p> <p>3. The Agency shall ensure that the common analysis [...] and guidance notes are kept [...] under regular review and updated [...] as necessary in particular where there are indications that the common analysis and guidance notes are not being followed. Any such [...] review or update shall likewise require consultation of the Commission and endorsement by the Management Board.</p> <p><i>The European Parliament wishes to strengthen the idea that guidance notes should be reviewed when it is clear that they are not being followed. This is a compromise: in return the EP informally accepts to delete Art. 10(4)(a)-(c); (4a) and (4b).</i></p> <p><i>Counsellors are kindly requested to show flexibility regarding the insertion of “after consulting the Commission” which is in both the Commission Proposal and the EP position.</i></p>
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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>Outcome of technical discussions:</i> 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.
(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>deleted</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>deleted</i>

<p>(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.</p>	<p>(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.</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
	<p>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.</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>

	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>deleted.</i>
Article 11 Designation of safe countries of origin and safe third countries		[Article 11 Designation of safe countries of origin and safe third countries	<i>The Article is in square brackets due to links with APR.</i>
Amendment 51			
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.	

<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 the Commission with information on specific third countries which could be considered for inclusion in, suspension or removal from the common EU list of safe countries of origin in accordance with Regulation (EU) No XXX/XXX. This information shall also be transmitted to the European Parliament.</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>	
	<p>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.</p>		

<p>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.</p>	<p>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.</p>	<p><i>deleted</i></p> 	
<p>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.</p>	<p>The Parliament, the Council or 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.</p>		