

Additional compromise proposals, replacing the text of the same provisions in WK 7063/2018:

Recital (3a), Recital (31), Article 18 (2b) and (2c), Article 26 (2), Article 36 (2b)

	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>		<i>Rapporteur's proposal:</i> <u>(3a) At present, Member States only recognise asylum decisions issued by other Member States where those decisions refuse to grant international protection. Member States should consider mutual recognition of asylum decisions issued by other Member States which grant international protection to persons in need in order to reflect 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 31

(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the act in question is	Amendment 27 (31) Committing a political crime is not in principle a ground justifying exclusion from [...] <i>international protection</i>. However, in accordance with relevant case law of the Court of Justice of the European Union, particularly cruel actions, where the	(31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, [...], particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts	<i>Rapporteur's proposal:</i> (31) Committing a political crime is not in principle a ground justifying exclusion from refugee status. However, particularly cruel actions, where the act in question is disproportionate to the alleged political objective, and terrorist acts
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disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore can give rise to exclusion from refugee status.	act in question is disproportionate to the alleged political objective, and terrorist acts which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, should be regarded as non-political crimes and therefore can give rise to exclusion from [...] <i>international protection</i> .	which are characterised by their violence [...], even if committed with a purportedly political objective, should be regarded as serious non-political crimes and therefore can give rise to exclusion from refugee status.	which are characterised by their violence <u>towards civilian populations</u> , even if committed with a purportedly political objective, should be regarded as serious non-political crimes and therefore can give rise to exclusion from refugee status.
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Article 18 (2b) and (2c) drafted to reflect *mutatis mutandis* the agreement on art. 12 (6) and (7)

	Amendment 115 <i>The determining authority may apply this paragraph only after it has undertaken, for each individual case, an assessment of the specific facts brought to its attention, with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for refugee status, fall within the scope of points (a), (b), (c), (d) or (e) of the first subparagraph.</i>		<i>Compromise proposal to reflect mutatis mutandis the agreement on art. 12 (6)</i> <u>2b. Once the determining authority has established, based on an assessment of the seriousness of the acts committed by the person concerned and of that person's individual responsibility, taking into account all the circumstances surrounding those crimes or acts and the situation of that person, that one or more of the relevant exclusion grounds laid down</u>
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			<u>in paragraphs (1) and (2) are applicable, the determining authority shall exclude the applicant from subsidiary protection status without performing a proportionality assessment linked to the fear of serious harm.</u>
	Amendment 116 <i>1a. Paragraph 2 shall not apply to minors.</i>		<i>Compromise proposal to reflect mutatis mutandis the agreement on art. 12 (7)</i> <u>2c. As part of the assessment referred to in paragraph (2b), when carrying out an examination under paragraphs (1) and (2) in relation to a minor, the determining authority shall take into account, <i>inter alia</i>, his or her capacity to be considered responsible under criminal law had he or she committed the crime on the territory of the Member State examining the application in accordance with national</u>

			<u>law on the age of criminal responsibility, or, where applicable, a conviction for a serious crime after his or her arrival.</u>
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Article 26 (2)

2. A residence permit shall not be renewed or shall be revoked in the following cases:	Amendment 140 2. <i>Without prejudice to Council Directive 2003/109/EC, a residence permit shall not be renewed or shall be revoked in the following cases:</i>	2. A residence permit shall not be renewed or shall be revoked [...] where:	<i>Compromise proposal:</i> (2) A residence permit shall have an initial validity period of at least 3 years for refugees and at least 1 year for subsidiary protection beneficiaries. Residence permits shall be renewed, <u>without further conditions</u>, on expiry for at least 3 years for refugees and <u>2</u> years for beneficiaries of subsidiary protection. Renewal shall be organised in such a way as to ensure continuity of the period of permitted residence, with no interruption between the period covered by the lapsing and the renewed permit, <u>provided that the beneficiary of international protection acts in accordance with relevant national law setting out the administrative formalities for renewal.</u>
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Article 36 (2b)

		2b. The competent authorities shall place a guardian in charge of an adequate and limited number of unaccompanied minors at the same time to ensure that he or she is able to perform his or her tasks effectively.	<i>Compromise proposal:</i> 2b. <u>In accordance with national law,</u> Member States shall provide for entities, including judicial authorities, or persons responsible for <u>ongoing</u> supervision and monitoring to ensure that guardians perform their tasks in a satisfactory manner. Those entities or persons shall review the performance of the guardian, in particular when there are indications that the guardian is not performing his or her tasks in a satisfactory manner and shall examine without delay, any complaints lodged by unaccompanied minors against their guardian.
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Council of the European Union
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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

In view to the JHA Counsellors meeting on 13 June 2018, delegations will find attached a 4-coumn table on the above subject, in addition to the one set-out in WK 7063/2018.