

AMENDMENT FORM

Suggestion for amendment of Article 162

Suggestion for Part: III

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Status : **Member** **Alternate**

1. The Union shall develop a common policy on ~~asylum~~ international protection and on temporary protection with a view to offering appropriate status to any third-country national requiring international protection ~~or temporary protection~~ and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties.

2. For this purpose, a European law or framework law shall lay down measures for a common European asylum system comprising inter alia:

- a) a uniform status of international protection ~~asylum~~ for nationals of third countries, valid throughout the Union;
- ~~b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;~~
- b) a common system of temporary protection for displaced persons in the event of a massive inflow;
- c) common procedures for granting and withdrawing of the uniform ~~asylum or temporary protection~~ status;
- d) criteria and mechanisms for determining which Member State is responsible for considering an application for ~~asylum or subsidiary~~ international protection;
- e) standards concerning the reception of applicants for ~~asylum or subsidiary~~ international protection;
- f) partnership and cooperation with UNHCR and with third countries with a view to managing inflows of people applying for international protection or temporary protection.

3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on the proposal by the Commission, may adopt European regulations or decisions comprising provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.

Explanation (if any):

The Presidium proposal for Article III-162 creates a system of three different categories of status (refugees, subsidiary forms of protection and temporary protection). Since the European Council in Tampere, the Netherlands has advocated one uniform asylum status as part of a common European asylum system. The Netherlands' government is against maintaining a difference between refugees on the one hand and subsidiary forms of protection on the other hand. The term 'international protection', which the JHA-Council agreed upon on 27 February 2003, should be used instead as an umbrella term for both refugees and persons with subsidiary protection, so that only the categories international protection and temporary protection remain.