
















Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2016/0222(COD) Awaiting Parliament's position in 1st reading
Reception Conditions Directive Repealing Directive 2013/33/EU 2008/0244(COD)	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	
Legislative priorities Joint Declaration 2018-19 Joint Declaration 2021 Joint Declaration 2017	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 IN 'T VELD Sophia	04/09/2019
		Shadow rapporteur	
		 DÜPONT Lena	
		 PIRI Kati	
		 CARÊME Damien	
		 BERG Lars Patrick	
		 PROCACCINI Nicola	
		 ERNST Cornelia	
	Former committee responsible		
 Civil Liberties, Justice and Home Affairs			
Committee for opinion	Rapporteur for opinion	Appointed	
 Foreign Affairs	The committee decided not to give an opinion.		
 Employment and Social Affairs			
Former committee for opinion			
 Foreign Affairs			
 Employment and Social Affairs			
Committee for opinion on the recast technique	Rapporteur for opinion	Appointed	
 Legal Affairs			
Former committee for opinion on the recast technique			
 Legal Affairs			

Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3545	09/06/2017
	Justice and Home Affairs (JHA)	3508	09/12/2016
	Justice and Home Affairs (JHA)	3490	14/10/2016
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

15/09/2016	Committee referral announced in Parliament, 1st reading		
14/10/2016	Debate in Council	3490	
25/04/2017	Vote in committee, 1st reading		
25/04/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/05/2017	Committee report tabled for plenary, 1st reading	A8-0186/2017	Summary
15/05/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
17/05/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
09/06/2017	Debate in Council	3545	
21/10/2019	Committee referral announced in Parliament, 1st reading		

Technical information

Procedure reference	2016/0222(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
	Repealing Directive 2013/33/EU 2008/0244(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	LIBE/9/00171

Documentation gateway

Legislative proposal		COM(2016)0465	13/07/2016	EC	Summary
Reasoned opinion	IT_SENATE	PE593.981	17/11/2016	NP	
Committee draft report		PE593.978	18/01/2017	EP	
Committee of the Regions: opinion		CDR5807/2016	08/02/2017	CofR	
Committee opinion	EMPL	PE599.692	12/04/2017	EP	

Committee report tabled for plenary, 1st reading/single reading	A8-0186/2017	10/05/2017	EP	Summary
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Additional information	
Research document	Briefing

Reception Conditions Directive

PURPOSE: to recast the Directive laying down standards for the reception of applicants for international protection (recast).

PROPOSE ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Common European Asylum System is based on rules determining the Member State responsible for applicants for international protection, common standards for asylum procedures, reception conditions, the recognition and protection of beneficiaries of international protection.

Notwithstanding the significant progress that has been made in the development of the Common European Asylum System (CEAS), there are still notable differences between the Member States in the types of procedures used, the reception conditions provided to applicants, the recognition rates and the type of protection granted to beneficiaries of international protection. These divergences contribute to secondary movements and asylum shopping, create pull factors, and ultimately lead to an uneven distribution among the Member States of the responsibility to offer protection to those in need.

Recent large scale arrivals have shown that Europe needs an effective and efficient asylum system able to assure a fair and sustainable sharing of responsibility between Member States and to ensure the quality of the decisions made.

Against this backdrop, the Commission presented a first set of proposals to reform the Common European Asylum System delivering on three priorities identified in its Communication:

- [establishing a sustainable and fair Dublin system](#) for determining the Member State responsible for examining asylum applications,
- [reinforcing the Eurodac system](#) to better monitor secondary movements and facilitate the fight against irregular migration,
- establishing a genuine [European Union Agency for Asylum](#) to ensure the well-functioning of the European asylum system.

With the second package, the Commission is completing the reform of the Common European Asylum System by adopting four additional proposals:

1. a [proposal replacing the Asylum Procedures Directive with a Regulation](#), harmonising the current disparate procedural arrangements in all Member States and creating a genuine common procedure;
2. a [proposal replacing the Qualification Directive with a Regulation](#), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
3. this proposal revising the Reception Conditions Directive;
4. [a structured Union resettlement framework](#), moving towards a more managed approach to international protection within the EU.

CONTENT: the proposed Reception Conditions Directive provides for minimum harmonisation of standards for the reception of applicants for international protection in the EU. Reception conditions however continue to vary considerably between Member States both in terms of how the reception system is organised and in terms of the standards provided to applicants.

This has contributed to secondary movements and has put pressure on certain Member States in particular.

In view of this, this proposal aims to:

1. Further harmonisation of reception conditions in the EU: This will both ensure that the treatment of applicants is dignified across the EU, in accordance with fundamental rights and rights of the child, and to reduce secondary movements of migrants.

The main amendments of the new measure concern:

- scope: the Reception Conditions Directive continues to apply to all third-country nationals and stateless persons who make an application for international protection on the territory of any of the Member States, as long as they are allowed to remain on the territory as applicants and as soon as the application is made. An exception is introduced for cases where an applicant is irregularly present in another Member State than the one in which he or she is required to be present. In this situation, he or she is not entitled to material reception conditions, schooling and education of minors as well as employment and vocational training. The proposal clarifies that applicants will however always be entitled to health care and to a dignified standard of living, in accordance with fundamental rights, to cover the applicant's subsistence and basic needs both in terms of physical safety, dignity and interpersonal relationships. However, in order to ensure respect for the fundamental rights of the child, Member States should provide minors with access to suitable educational activities pending the transfer to the Member State responsible.
- The proposal makes it clear that the right to a dignified treatment applies also in cases where a Member State, in duly justified cases, is exceptionally applying different standards of material reception conditions from the one required by the Reception Conditions Directive.
- the definition of family members: this is extended by including family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State. This reflects the reality of migration today where applicants often stay for long periods of time outside their country of origin before reaching the EU, such as in refugee camps;
- indicators: the proposal requires Member States to take into account operational standards and indicators on reception conditions currently being developed by European Asylum Support Office;

- urgent situations: the proposal obliges Member States to draw up, and regularly update, contingency plans setting out the measures foreseen to be taken to ensure adequate reception of applicants in cases where the Member State is confronted with a disproportionate number of applicants. The proposal also requires the Member States to inform the Commission and the European Union Agency for Asylum whenever their contingency plan is activated;
- particular needs of certain applicants: the proposal clarifies that persons with special reception needs are persons who are in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the Reception Conditions Directive, regardless of whether these persons are considered vulnerable. The proposal also includes more detailed rules for assessing, determining, documenting and addressing applicants' special reception needs as soon as possible and throughout the reception period (e.g. a doctor or a psychologist);
- provisions concerning the guardian of unaccompanied minors: the proposal introduces stricter time limits, within five working days from the moment the application was made, for the Member States to assign a guardian to represent and assist an unaccompanied minor.

2. Reducing reception-related incentives for secondary movements within the EU: to ensure an orderly management of migration flows, facilitate the determination of the Member State responsible and to prevent secondary movements, it is essential that the applicants remain in the Member State which is responsible for them and do not abscond. The introduction of more targeted restrictions to the applicants' freedom of movement and strict consequences when such restrictions are not complied with will contribute to more effective monitoring of the applicants' whereabouts.

Further harmonisation of possibilities to assign a specific place of residence to applicants, to impose reporting obligations and to provide material reception conditions only in kind is also necessary to create a more predictable situation for applicants, to ensure that they are accounted for regardless of which Member State they are present in and to deter them from absconding.

This applies in particular in three situations namely where:

- the applicant did not make an application for international protection in the Member State of first irregular entry or legal entry;
- the applicant has absconded from the Member State in which he or she is required to be present
- where the applicant has been sent back to the Member State where he or she is required to be present after having absconded to another Member State.

The proposal requires Member States to inform applicants, using a common template, as soon as possible and at the latest when they lodge their application, of any benefits and obligations, which applicants must comply with in relation to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted (for example, if they abscond).

The proposal underlines that:

- all decisions restricting an applicant's freedom of movement need to be based on the particular situation of the person concerned, taking into account any special reception needs of applicants and the principle of proportionality;
- Member States should only provide applicants with a travel document when serious humanitarian reasons arise. Travel documents should not be issued outside of these exceptional circumstances.

Other measures are included such as:

- enlarging material reception conditions to include sanitary items;
- limit daily allowances in certain circumstances;
- altering the form of material reception conditions. These may be scaled back or altered where the applicant has: seriously breached the rules of the accommodation centre or behaved in a seriously violent way; not complied with the obligation to apply for international protection in the Member State of first irregular entry or of legal entry;
- in case an applicant has been assigned a specific place of residence but has not complied with this obligation, and where there is a continued risk that the applicant may abscond, the applicant may be detained in order to ensure the fulfilment of the obligation to reside in a specific place. All the guarantees already provided for in the current Reception Conditions Directive regarding detention remain unchanged.

3. Increase applicants' self-reliance and possible integration prospects: except for those whose applications are likely to be rejected, applicants should, as quickly as possible, be allowed to work and earn their own money, even whilst their applications are being processed. The time-limit for access to the labour market should therefore be reduced from no later than nine months to no later than six months from the lodging of the application.

Further limiting the current wide discrepancies between Member States' rules on access to the labour market is also essential in order to reduce employment-related asylum-shopping and incentives for secondary movements.

It is proposed that, once granted access to the labour market, applicants should be entitled to a common set of rights based on equal treatment with nationals of the Member State similarly as other third-country nationals who are working in the Union. It has been specifically stated that the right to equal treatment does not give rise to a right to reside in cases where the applicants' application for international protection has been rejected.

Working conditions referred to in the proposal cover at least pay and dismissal, health and safety requirements at the workplace, working time and leave, taking into account collective agreements in force.

The proposal makes it possible to limit equal treatment concerning education and vocational training to such education and training directly linked to a specific employment activity. The proposal also makes it possible to limit applicants' equal treatment with regard to family benefits and unemployment benefits.

Implementation and monitoring: the Commission shall report on the application of this Directive to the European Parliament and to the Council within three years from its entry into force and every five years after that.

Territorial provisions: the participation of the United Kingdom and Ireland will be determined in the course of the negotiations and in accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union (TEU) and the TFEU.

Denmark shall not be subject to its application.

Reception Conditions Directive

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Sophia in t VELD (ADLE, NL) on the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast).

The committee recommended that Parliament adopt its position in first reading bearing in mind the opinion of the consultative working party of the legal services of the European Parliament, the Council and the Commission. However, it submitted amendments to the proposal for a recast:

Restrictions on reception conditions of asylum seekers in case of secondary movements: Members did not subscribe the Commission position, which envisaged a stricter stance towards applicants who try and move illegally to another Member State. They proposed to strengthen measures related to information given to applicants, including details of the circumstances under which the granting of material reception conditions may be restricted, and the reduction of any benefits in such cases.

The report sets out, rather, the circumstances under which applicants can travel to another Member States legally, for example, for medical reasons pertaining to family. In such cases, Member States should supply the applicants concerned with a travel document limited to the purpose or duration needed for the reason for which it is issued.

In any event, any restriction on the applicant's freedom of movement should be adopted only as a measure of last resort and should be based on the decision by a judicial authority, which takes into account the individual behaviour and particular situation of the person concerned, including any specific reception needs of applicants and the principles of necessity and proportionality. Applicants should be provided with the possibility of an appeal or review against such decisions.

Specific reception conditions: Members recalled that the overall objective of the directive is to establish common standards for reception conditions to help to limit the secondary movements of applicants in the Union. They stressed that Member States should in all circumstances ensure access to health care and an adequate standard of living for applicants. Due regard must also be given to applicants with specific reception needs, such as children, and applicants who have experienced sexual or gender-based violence, in particular women, (including appropriate trauma counselling and psycho-social care).

Members also amended the terminology used to set out the daily allowance which should ensure an adequate standard of living for applicants and not dignified as stated in the proposal ensuring that applicants have access to the necessary food, clothing, housing, education, health care and social services for their well-being and that of their family.

Conditions of work and access to employment: Members wanted to see clear rules concerning applicants access to the labour market, so that such access is effective, by not imposing conditions, including sector restrictions, working time restrictions or unreasonable administrative formalities, that effectively hinder an applicant from seeking employment. Member States should also take effective steps to ensure that the entry of applicants for international protection into the labour market is not achieved through a lowering of applicable salaries, which could then lead to wage dumping practices. Members proposed particularly that access to the labour market should be provided to the applicant no later than two months from the date when the application for international protection was made.

It should be noted, however, that for reasons of labour market policies, and especially regarding youth unemployment levels, a vacancy could be filled, through preferential access, by nationals of the Member State concerned or by other Union citizens.

Applicants who have been granted access to the labour market should be allowed to apply for an EU Blue Card under the relevant Union legislation. Applicants who have been granted access to the labour market should also be allowed to apply for a residence permit for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing under the relevant Union legislation.

Measures limiting the risk of absconding: Members set out a clearer framework for situations where there is a risk of an applicant absconding. Accordingly, where there are reasons to believe that an applicant is at serious risk of absconding, Member States may where necessary, proportionate and duly justified require applicants to report to the competent authorities in person, either immediately or at a future date, as frequently as necessary but not more than once a working day, in order to monitor that the applicant does not abscond. Applicants should also be able to appeal against decisions requiring them to report to the competent authorities.

Detention: detention should be adopted only as a measure of last resort and any decision imposing detention should contain a reference to the consideration of the available alternatives and the reasons why they could not be applied effectively. Where an applicant is held in detention he or she should have effective access to the necessary procedural guarantees, such as judicial remedy and the right to free legal assistance and representation. The detention shall not be punitive in nature. Where, as a result of the judicial review, detention is held to be unlawful, the applicant concerned shall be released immediately.

In addition, where detention would put at risk their physical and psychological integrity, applicants with specific reception needs shall not be detained.

In the same way, any detention or confinement of children, whether accompanied by family members or not, must be forbidden since it contravenes the best interests of the child.

Integration measures: Members recalled that language skills are indispensable in order to ensure that applicants have an adequate standard of living. Learning the official language or one of official languages of the Member State concerned would increase self-reliance and the chance of integration in the host society. It also constitutes a deterrent against secondary movements. Effective access to language courses should therefore be granted to all applicants from the date on which their application for international protection is made.

Member States shall use their best endeavours to provide adequate training on employment legislation and non-discrimination to applicants and to authorities, in order to avoid exploitation in the workplace by means of undeclared work practices and other forms of severe labour exploitation, and to avoid discrimination. Members also provided for professional training for applicants.

Procedural guarantees: the report strengthened the procedural guarantees for applicants. Amongst other things, it proposed that legal advisers shall provide free legal assistance and representation or other suitably qualified persons as admitted or permitted under national law to assist

or represent the applicants, whose interests do not conflict or could not potentially conflict with those of the applicant. Such persons may include non-governmental organisations accredited under national law.

In situations of disproportionate pressure, each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants for international protection.

Members proposed that necessary training be provided with adequate funding from the Asylum Migration and Integration Fund by means of national programmes. Such training places should place particular importance on active identification of specific reception needs (the Age Gender and Diversity Approach) and adequate prevention and response activities with respect to sexual and gender-based violence and bias-motivated violence.

Charter of Fundamental Rights: the committee made a stronger link between the proposal and the Charter. Member States should apply the definition of family member in accordance with the Charter and bear in mind different circumstances of dependency and the special attention to be accorded to the best interests of the child.

Assessment and reports: lastly, Members provided for more regular implementation reports for Parliament and Council (annual report rather than every three years).