

27 November 2012

This table is a working document for the shadows in preparation of the fifth trilogue on APD.

Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast)

Interinstitutional code: 2009/0165 (COD)

The columns of the table reflect respectively:

1. the amended Commission proposal of 1 June 2011 (COM(2011) 319 final)).
2. the European Parliament's merged position which is based upon its first reading position on the initial Commission proposal and the amendments contained in the approach of the rapporteur and the shadow rapporteurs on the amended Commission proposal. The differences between the Parliament's position and the amended Commission proposal are indicated in ***bold italics*** and deleted text with **■** ; underlined indicates text that was and still is part of the EP Position but is not reflected anymore in the amended Commission proposal.
3. the Council position on the amended Commission proposal as endorsed by the Committee of Permanent Representatives on 6 June 2012. New text compared to the amended Commission proposal is indicated by underlining the insertion and including it within Council tags: ➡_☞; deleted text is indicated within underlined square brackets as follows: ☞[...].
4. Compromise suggestions and comments in view of the third trilogue on 16 October 2012. Changes to the Council text are indicated in **bold**. In compromise suggestions of the European Parliament changes to the Commission proposal are indicated in **bold/italics**.

Commission Proposal 11207/11	EP merged position	Council Position	Comments and compromise suggestions
<p>2009/0165 (COD)</p> <p>Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common procedures for granting and withdrawing international protection status</p> <p>(Recast)</p>	<p>2009/0165 (COD)</p> <p>Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common procedures for granting and withdrawing international protection status</p> <p>(Recast)</p>	<p>2009/0165 (COD)</p> <p>Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common procedures for granting and withdrawing international protection status</p> <p>(Recast)</p>	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	Identical.
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) thereof,	Identical.

Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Identical.
Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee ² ,	Identical.
Having regard to the opinion of the Committee of the Regions ³ ,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions ⁴ ,	Identical.
Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Identical.
Whereas:	Whereas:	Whereas:	Identical.
(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁵ . In the interest of clarity, that Directive	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status. In the interest of clarity, that Directive	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁶ . In the interest of clarity, that Directive	Identical.

• 1 OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 326, 13.12.2005, p. 13.

⁶ OJ L 326, 13.12.2005, p. 13.

should be recast.	should be recast.	should be recast.	
<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the ☒ Union ☒ Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.</p>	<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the ☒ Union ☒ Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	Identical.
<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum</p>	Identical.

	System, based on the full and inclusive application of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	System, based on the full and inclusive application of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	System, based on the full and inclusive application of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	
(4)	The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, the Union Community rules leading to a common asylum procedure in the European Union Community .	(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Union rules leading to a common asylum procedure in the European Union.	(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, the Union Community rules leading to a common asylum procedure in the European Union Community .	Identical.

<p>(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was ⇐ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	<p>(5) The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was a first measure on asylum procedures.</p>	<p>(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was ⇐ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	<p>Identical.</p>
<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	<p>Identical.</p>

instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	
(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure	(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure	(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure	Identical.

comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	
(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In	(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In	(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In	Identical.

accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	
(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council ¹ , should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the	(9) <i>It is necessary for</i> the resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council, <i>to</i> be mobilised, <i>inter alia</i> , to provide adequate support to the Member States' efforts relating to the	(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council ² , should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

¹ OJ L 132, 29.5.2010, p.11.

² OJ L 132, 29.5.2010, p.11.

standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.	implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation. <i>It is also necessary that in Member States that receive a disproportionately large number of asylum applications in relation to the size of their population, financial support and administrative/technical support be mobilised immediately under the European Refugee Fund and the European Asylum Support Office respectively in order to enable them to comply with this Directive. [Am. 1]</i>	standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.	
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		<p>➡(9a) When implementing this Directive Member States should take into account relevant guidelines developed by the European Asylum Support Office. ⬅</p>	<p>Agreed to take Council text.</p> <p>(see shadow meeting of 11 October 2012, point A.4.)</p>
<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single</p>	<p>Identical.</p>

asylum procedure.	asylum procedure.	asylum procedure.	
<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	<p>(11) The main objective of this Directive is to further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union.</p>	<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	Identical
<p>(12) The approximation of rules on the procedures for granting and withdrawing ⇒ international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing international protection should help to limit the secondary movements of applicants for international protection between Member States, where such movement would be caused by differences in legal</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing ⇒ international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement</p>	Identical

<p>would be caused by differences in legal frameworks ⇒ , and create equivalent conditions for the application of Directive [.../.../EU] [the Qualification Directive] in Member States ⇐.</p>	<p>frameworks, and create equivalent conditions for the application of Directive [.../.../EU] [the Qualification Directive] in Member States.</p>	<p>would be caused by differences in legal frameworks ⇒ , and create equivalent conditions for the application of Directive [.../.../EU] [the Qualification Directive] in Member States ⇐.</p>	
<p>(13) It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [.../.../EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva</p>	<p>(13) Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is in need of international protection within the meaning of Directive [.../.../EU] [the Qualification Directive].</p>	<p>(13) It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [.../.../EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva</p>	<p>Identical</p>

Convention.		Convention.	
(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.	(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party.	(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.	Identical
	(14a) <i>Member States are obliged to respect fully the principle of non-refoulement and the right to asylum, which includes access to an asylum procedure for any person who wishes to claim asylum and who is in their jurisdiction, including those under the effective control of a Union body or a body of a Member State.</i>		Agreed to take COM/Council text (deletion of Recital 14a). See follow-up note of 20.11.2012.
(15) It is essential that decisions on all applications for	(15) It is essential that decisions on all applications for	(15) It is essential that decisions on all applications for	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows,

<p>⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has</u> receiveds the necessary training in the field of asylum and</p> <p>⇒ international protection ⇐ refugee matters.</p>	<p>international protection be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge and <u>receives</u> the necessary training in the field of asylum and international protection matters.</p>	<p>⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has</u> receiveds the necessary training in the field of asylum and</p> <p>⇒ international protection ⇐ refugee matters.</p>	<p>page 4.</p>
			<p>Following compromise text agreed:</p> <p>(15a) In order to ensure that applications are examined and decisions are taken objectively and impartially, it is necessary that professionals acting in the frame work of the procedures provided for in this Directive perform their activities with due respect to the applicable deontological principles.</p> <p>See shadow meeting of 11 October, point A.5.1.</p>

<p>(16) It is in the interest of both Member States and applicants for international protection ⇨ that a decision is made to make a decision as soon as possible on applications for international protection, ⇨ without prejudice to an adequate and complete examination ⇨. The organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.</p>	<p>(16) It is in the interest of both Member States and applicants for international protection that a decision is made as soon as possible on applications for international protection, without prejudice to an adequate and complete examination.</p>	<p>(16) It is in the interest of both Member States and applicants for international protection ⇨ that a decision is made to make a decision as soon as possible on applications for international protection, ⇨ without prejudice to an adequate and complete examination ⇨. The organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.</p>	<p>Identical</p>
			<p>Pending.</p>

			<p>EP compromise text:</p> <p><i>Related to Article 31(7)</i></p> <p><i>(16a) Member States should have the flexibility, in accordance with their national needs, to prioritise the examination of any application by examining it before other, previously made applications, without derogating from normally applicable time limits, principles and guarantees.</i></p>
			<p>Pending.</p> <p>EP compromise text:</p> <p><i>Related to Article 31(7)</i></p> <p><i>(16b) In well-defined circumstances where an application is likely to be unfounded or where there are serious national security or public order concerns, Member States should be able to accelerate the examination procedure, in particular by introducing shorter reasonable time limits for certain procedural steps, without prejudice to an</i></p>





			<i>adequate and complete examination and to the applicant's effective access to basic principles and guarantees provided for in this Directive.</i>
<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers.</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers.</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers.</p>	<p>*</p> <p>The technical group suggest taking the following compromise to make the text coherent with corresponding Article 21:</p> <p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the</p>

Member States should therefore have the possibility to find the most appropriate modalities for the provision of such information, such as through non-governmental organisations, government officials or specialised services of the State.	Member States should therefore have the possibility to find the most appropriate modalities for the provision of such information, such as through non-governmental organisations, <i>specialised, suitably qualified and impartial legal advisers, counsellors, other qualified professionals.</i>	Member States should therefore have the possibility to find the most appropriate modalities for the provision of such information, such as through non-governmental organisations, government officials or specialised services of the State.	services of qualified lawyers. Member States should therefore have the possibility to find the most appropriate modalities for the provision of such information, such as through non-governmental organisations, <i>professionals from government authorities</i> government officials or specialised services of the State.
(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	Identical

(19) The notion of public order may ⇒ <i>inter alia</i> cover a conviction for committing a serious crime.	(19) The notion of public order may <i>inter alia</i> cover a conviction for committing a serious crime.	(19) The notion of public order may ⇒ <i>inter alia</i> cover a conviction for committing a serious crime.	Identical
(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention ⇒ or as persons eligible for subsidiary protection , every applicant should subject to certain exceptions have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an	(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention or as persons eligible for subsidiary protection, every applicant should have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and <i>effective</i> procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection	(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention ⇒ or as persons eligible for subsidiary protection , every applicant should subject to certain exceptions have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

<p>application for ⇒ international protection ⇐ asylum is examined should normally provide an applicant at least with the right to stay pending a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇒ and with organisations providing advice or counselling to applicants for international protection ⇐ or with any organisation working on its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or</p>	<p>is examined should normally provide an applicant at least with the right to stay pending a <i>final</i> decision by the determining authority <i>and, in the case of a negative decision, the time necessary for seeking a judicial remedy, and for so long as a competent court or tribunal so authorises</i>, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) and with organisations providing advice or counselling to applicants for international protection, the right to appropriate notification of a decision, a motivation of that decision in fact and in</p>	<p>application for ⇒ international protection ⇐ asylum is examined should normally provide an applicant at least with the right to stay pending a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇒ and with organisations providing advice or counselling to applicants for international protection ⇐ or with any organisation working on its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or</p>	
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<p>other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇨ understands or ⇨ ☒ is ☒ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇨.</p>	<p>law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she understands or is reasonably supposed to understand and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal.</p>	<p>other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇨ understands or ⇨ ☒ is ☒ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇨.</p>	
<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>		<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>	
<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international</p>	<p>Pending</p> <p><i>Related to Article 6(1) and 8(1),</i> training element for staff having first contact with the asylum seeker could be included here.</p>

<p>protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and necessary training on how to recognise and deal with requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in</p>	<p>protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and necessary training on how to recognise, <i>register and forward to the competent determining authority</i> requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked</p>	<p>protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive <u>➤ relevant information</u>  <u>➤ [...]</u>  and necessary training on how to recognise and deal with requests for international protection <u>➤ inter alia taking due account of relevant guidelines developed by the European Asylum Support Office</u>  . They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with <u>➤ [...]</u>  relevant information as to where and how applications for international protection may be lodged. Where those persons are present</p>	<p>Waiting for possible global compromise.</p> <p>Suggestion to accept "to deal with" requests (instead of "register and forward") as it is coherent with the text of Article 6(3)</p>
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accordance with this Directive.	on land and have their applications examined in accordance with this Directive.	in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.	
	(21a) <i>Given that third country nationals or stateless persons who have expressed their wish to apply for international protection are applicants for international protection, they should comply with the obligations and benefit from the rights in accordance with this Directive and the Reception Conditions Directive. To that end, Member States should register that those persons are applicants for international protection as soon as possible.</i>		Pending. It is part of the political red line of training (<i>art. 6(1)</i>) and indirectly linked to <i>Article 8(1)</i> on Access to information at the borders. Still pending.
(22) In order to facilitate access to the examination procedure at	(22) In order to facilitate access to the examination procedure at	(22) In order to facilitate access to the examination procedure at	Pending. Related to <i>Article 8(1)</i> .

border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	border crossing points and in detention facilities, information <i>on the possibility to request international protection and easily accessible</i> . Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	
(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, persons who have been subjected to torture, rape or other serious acts of violence or disabled persons, should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and	(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, <i>pregnant women</i> , persons who have been subjected to torture, rape or other serious acts of violence, <i>such as violence based on gender and harmful traditional practices</i> , or disabled persons, should be provided with	(23) ➔ Certain applicants may be in need of special procedural guarantees due to ➔ <i>inter alia</i> ➔ their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or consequences of ➔ [...] ➔ torture, rape or other serious ➔ forms of ➔ [...] ➔ of ➔ psychological, physical or sexual ➔	Pending. Related to <i>Articles 2(d) and 24</i> . <u>EP suggestion</u> (23) Certain applicants may be in need of special procedural guarantees due to <i>inter alia</i> their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or consequences of torture,

presenting the elements needed to substantiate the application for international protection.	adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.	violence ☞. Those applicants ☞ ☞ [...] ☞ should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.	rape or other serious forms of psychological, physical or sexual violence. <i>Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken.</i> Those applicants should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.
(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures	(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures	(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures	Pending. Related to Articles 18(4) and 24 and the Istanbul Protocol. Agreed to take Council text if good compromise on Article 24. See follow-up note of 20.11.2012.

covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	covered by this Directive ☉ <u>may</u> ☉ ☉ [...] ☉ <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	
(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes its possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept	(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes its possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution <i>to an interviewer of the same sex if so requested, who has specific training on the issue of interviews regarding gender-based persecution.</i> The complexity of gender	(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes its possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

or the notion of subsequent applications.	related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.	or the notion of subsequent applications.	
(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	Identical
(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.	(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the determining authorities to conduct a rigorous examination of applications for international protection.	(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the guarantees normally enjoyed by the applicant.</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle.</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the guarantees normally enjoyed by the applicant.</p>	<p>Identical</p>
	<p>(28a) <i>With respect to the involvement of the personnel of another authority than that of the determining authority in conducting interviews on the substance of an application, the notion of "timely" as referred in article 14(1)2 shall be assessed against the</i></p>		<p>Pending.</p> <p>Related to <i>Articles 14(1) and 31(3) and Article 49.</i></p> <p></p> <p>The technical group suggest the following compromise proposal:</p> <p><i>(28a) With respect to the involvement of the personnel of</i></p>

	<p><i>time limits foreseen in Article 31. The determining authority shall demonstrate that it has insufficient capacity to ensure that an interview on the substance can be conducted within a time frame that enables the authorities to conclude the procedure within the time-limit as laid down in Article 31(3).</i></p>		<p><i>another authority than that of the determining authority in conducting interviews on the substance of an application, the notion of "timely" as referred in article 14(1)2 shall be assessed against the time limits foreseen in Article 31.</i></p> <p><u>Political red line.</u></p> <p><u>(procedural derogation in case of large numbers of asylum applications)</u></p>
<p>(29) Many applications asylum ⇒ for international protection ⇐ are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇒ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined</p>	<p>(29) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances.</p>	<p>(29) Many applications asylum ⇒ for international protection ⇐ are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇒ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined</p>	<p>Identical</p>

<p>circumstances ⇐ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>		<p>circumstances ⇐ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>	
			<p>Pending</p> <p>EP compromise suggestion <i>Related to Article 31(3)(d)</i></p> <p><i>(29a) In determining whether a situation of uncertainty prevails in the country of origin of an applicant, Member States should ensure that they obtain precise and up-to-date information from EASO, the UNHCR, the Council of Europe and other relevant international organisations.</i></p>

			<i>Member States should ensure that this postponement of conclusion of the procedure is applied in full compliance with their obligations under the Qualification Directive and Article 41 EU Charter on Fundamental Rights as well as the principles of efficiency and fairness underlying this (APD) directive.</i>
(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.	(30) A key consideration for the well-foundedness of an application for international protection is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents counter-indications.	(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.	Identical
(31) Given the level of harmonisation achieved on the qualification of	(31) Given the level of harmonisation achieved on the qualification of	(31) Given the level of harmonisation achieved on the qualification of	Identical

third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	
Where the Council has satisfied itself that those criteria are met in relation to a particular country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe		Where the Council has satisfied itself that those criteria are met in relation to a particular country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe	

countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the establishment or amendment of the list, after consultation of the European Parliament.		countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the establishment or amendment of the list, after consultation of the European Parliament.	
(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.		(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.	

<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are ⇒ valid ⇐ serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no</p>	<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are valid reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered</p>	<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are ⇒ valid ⇐ serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no</p>	<p>Identical</p>
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longer be considered relevant for him/her.	relevant for him/her.	longer be considered relevant for him/her.	
<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies <input checked="" type="checkbox"/> for international protection <input checked="" type="checkbox"/> as a refugee in accordance with <u>Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would</u></p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies for international protection in accordance with Directive [...]/.../EU [the Qualification Directive], except where the present Directive provides otherwise, in particular where it can be <i>ensured</i> that another country would do the examination or provide <i>effective</i> protection. In particular, Member States should not be obliged to assess the substance of an application for international protection where a first country of asylum has granted the applicant refugee status or otherwise <i>accessible and effective</i> protection and the applicant will be</p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies <input checked="" type="checkbox"/> for international protection <input checked="" type="checkbox"/> as a refugee in accordance with <u>Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would</u></p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an asylum application ⇒ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection and the applicant will be readmitted to this country.	readmitted to this country. <i>Member States should proceed in this way only in cases where the applicant in question is safe in the third country concerned.</i> [Am. 10]	do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an asylum application ⇒ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection and the applicant will be readmitted to this country.	
(35) Member States should also not be obliged to assess the substance of an an asylum application ⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for	(35) Member States should also not be obliged to assess the substance of an an application for international protection where the applicant, due to a sufficient connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country, and there are grounds for considering that the applicant will be	(35) Member States should also not be obliged to assess the substance of an an asylum application ⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for	Identical

<p>considering that the applicant will be admitted or re-admitted to that country ⇐. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	<p>admitted or re-admitted to that country. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	<p>considering that the applicant will be admitted or re-admitted to that country ⇐. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	
<p>(36) Furthermore, with respect to certain European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇐ for international</p>	<p>(36) █</p>	<p>(36) Furthermore, with respect to certain European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇐ for international</p>	<p>Pending.</p> <p>To be discussed on the principle.</p> <p>Related to <i>Article 39</i>.</p> <p><u>Political red line.</u></p> <p><u>(concept of safe third countries)</u></p>

<p>protection ⇐ regarding applicants who enter their territory from such European third countries. Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in this matter after consultation of the European Parliament.</p>		<p>protection ⇐ regarding applicants who enter their territory from such European third countries. Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in this matter after consultation of the European Parliament.</p>	
<p>It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the</p>		<p>It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the</p>	

concepts depends on whether the third country in question permits the applicant in question to enter its territory.		concepts depends on whether the third country in question permits the applicant in question to enter its territory.	
(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.		(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.	<p>Pending.</p> <p>Related to <i>Articles 38 and 39</i>.</p> <p><u>Political red line.</u></p> <p><u>(concept of safe third countries)</u></p> <p>EP compromise suggestions (37, 37a and 37b):</p> <p>(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.</p> <p><i>When Member States apply such concepts and draw up their lists, they should take into account,</i></p>

			<i>inter alia, the guidelines and operating manuals referred to in Article 12 (2) of Regulation (EU) No 439/2010 and information on country of origin and activities referred to in Article 4 of Regulation (EU) No 439/2010 including EASO Country of Origin Information report methodology as well as relevant UNHCR guidelines.</i>
			<p><i>(37a) In order to have the designation of safe countries updated Member States should conduct regular reviews based on a range of sources of information, including in particular information from EASO, the UNHCR, the Council of Europe and other relevant international organizations.</i></p> <p><i>When Member States become aware of sudden change in the human rights situation of any country designated by them as safe, they should conduct an emergency review of that situation and where applicable, cease to designate that country as safe.</i></p>

			<p><i>(37b) In order to prepare for further harmonisation, the Commission should organise, in an appropriate manner, a regular review of the use of the safe country concepts by Member States, and inform the European Parliament of the results of this review.</i></p>
<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision</p>	<p>(38) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision to withdraw their status.</p>	<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision</p>	<p>Identical</p>


<p>to withdraw their status. However, dispensing with these guarantees should be allowed where the reasons for the cessation of the refugee status is not related to a change of the conditions on which the recognition was based.</p>		<p>to withdraw their status. However, dispensing with these guarantees should be allowed where the reasons for the cessation of the refugee status is not related to a change of the conditions on which the recognition was based.</p>	
<p>(39) It reflects a basic principle of Union <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community law that the decisions taken on an application for asylum <input checked="" type="checkbox"/> international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, <input checked="" type="checkbox"/> and <input checked="" type="checkbox"/> the decisions <input checked="" type="checkbox"/> on the withdrawal of refugee <input checked="" type="checkbox"/> or subsidiary protection <input checked="" type="checkbox"/> status are subject to an effective remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the</p>	<p>(39) It reflects a basic principle of Union law that the decisions taken on an application for international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, and the decisions on the withdrawal of refugee or subsidiary protection status are subject to an effective remedy before a court or tribunal.</p>	<p>(39) It reflects a basic principle of Union <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community law that the decisions taken on an application for asylum <input checked="" type="checkbox"/> international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, <input checked="" type="checkbox"/> and <input checked="" type="checkbox"/> the decisions <input checked="" type="checkbox"/> on the withdrawal of refugee <input checked="" type="checkbox"/> or subsidiary protection <input checked="" type="checkbox"/> status are subject to an effective remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the</p>	<p>Identical</p>

remedy, also with regard to the examination of the relevant facts, depends on the administrative and judicial system of each Member State seen as a whole.		remedy, also with regard to the examination of the relevant facts, depends on the administrative and judicial system of each Member State seen as a whole.	
(40) In accordance with Article <u>72</u> 64 of the Treaty <u>on the Functioning of the European Union</u> , this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.	(40) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.	(40) In accordance with Article <u>72</u> 64 of the Treaty <u>on the Functioning of the European Union</u> , this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.	Identical
			Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4. (40a) Directive 95/46 of the European Parliament and of the Council of 24 October 1995 on the protection of individuals

			with regard to the processing of personal data and on the free movement of such data governs the processing of personal data carried out in the Member States pursuant to this Directive.
(41) This Directive does not deal with procedures ⇨ between Member States ⇨ governed by Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [...] [establishing the criteria and mechanisms for determining the Member state responsible for examining an asylum application ⇨ for international protection ⇨ lodged in one of the Member States by a third-country national ⇨ or a stateless person ⇨] (the Dublin	(41) This Directive does not deal with procedures between Member States governed by Regulation (EU) No [...] [establishing the criteria and mechanisms for determining the Member state responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] (the Dublin Regulation).	(41) This Directive does not deal with procedures ⇨ between Member States ⇨ governed by Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [...] [establishing the criteria and mechanisms for determining the Member state responsible for examining an asylum application ⇨ for international protection ⇨ lodged in one of the Member States by a third-country national ⇨ or a stateless person ⇨] (the Dublin	Identical

<u>Regulation).</u>		<u>Regulation).</u>	
(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees pursuant to Regulation (EU) No [.../...] [the Dublin Regulation].	(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees pursuant to Regulation (EU) No [.../...] [the Dublin Regulation].	☞ [...] ☞	Pending (Dublin issue).
(43) The implementation of this Directive should be evaluated at regular intervals not exceeding two years .	(43) The implementation of this Directive should be evaluated at regular intervals.	(43) The implementation of this Directive should be evaluated at regular intervals not exceeding two years .	Identical
(44) Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects	(44) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in	(44) Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects	Identical

<p>of the action, be better achieved at Union Community level, the Union Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on <u>European Union</u>. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.</p>	<p>Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.</p>	<p>of the action, be better achieved at Union Community level, the Union Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on <u>European Union</u>. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.</p>	
		<p>➡ (44a) In accordance with the <u>Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or</u></p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

		<p>more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. </p>	
<p>In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.</p>		<p>In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.</p>	
<p>In accordance with Article 3 of the Protocol on the position of the</p>		<p>In accordance with Article 3 of the Protocol on the position of the</p>	

United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application of this Directive.		United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application of this Directive.	
(45) In accordance with Article 4a(1) of 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 and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that	(45) In accordance with Article 4a(1) of 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 and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that	(45) In accordance with Articles 1, 2 and Article 4a(1) of 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 and the Treaty on the Functioning of the European Union, and without prejudice to [...] Article 4 of that Protocol, the United Kingdom and Ireland are not taking part in the adoption of	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.

Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.	Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.	this Directive and the [...] are are not bound by it or or subject to its application the [...] the .	
(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty <u>on the Functioning of the European Union</u> establishing the European Community , Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty <u>on the Functioning of the European Union</u> establishing the European Community , Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	Identical
(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇒ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of	(47) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of	(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇒ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of	Pending. Council is considering EP amendment (addition of Article 4 of the Charter).

Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇐	Articles 1, 4 , 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly.	Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇐	
(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	Identical
(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Identical

HAVE ADOPTED THIS DIRECTIVE,	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE,	
CHAPTER I	CHAPTER I	CHAPTER I	
GENERAL PROVISIONS	GENERAL PROVISIONS	GENERAL PROVISIONS	
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	
Purpose	Purpose	Purpose	
The purpose of this Directive is to establish ⇒ common ⇐ minimum standards on procedures in Member States for granting and withdrawing ⇒ international protection status by virtue of Directive [...]/.../EU [the Qualification Directive] ⇐ refugee status .	The purpose of this Directive is to establish common procedures for granting and withdrawing international protection status by virtue of Directive [...]/.../EU [the Qualification Directive].	The purpose of this Directive is to establish ⇒ common ⇐ minimum standards on procedures in Member States for granting and withdrawing ⇒ international protection ⇐ [...]/.../EU [the Qualification Directive] ⇐ refugee status .	Agreed to take Council text. (for harmonisation with Article 2(a) QD)
<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	
Definitions	Definitions	Definitions	
For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	Identical

(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	Identical
(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the Geneva Convention. Any application for international protection is presumed to be an application for asylum, unless the person concerned explicitly requests another kind of protection that can be applied for separately;		(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the Geneva Convention. Any application for international protection is presumed to be an application for asylum, unless the person concerned explicitly requests another kind of protection that can be applied for separately;	
(b) "application" or "application for international protection" means a request made by	(b) "application" or "application for international protection" means a request made by	(b) "application" or "application for international protection" means a request made by	Identical

a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [.../.../EU] [the Qualification Directive], that can be applied for separately;	a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [.../.../EU] [the Qualification Directive], that can be applied for separately;	a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [.../.../EU] [the Qualification Directive], that can be applied for separately;	
(c) "applicant" or "applicant for ⇒ international protection ⇐ asylum " means a third country national or stateless person who has made an application for ⇒ international protection ⇐ asylum in respect of which a final decision has not yet been taken;	(c) "applicant" or "applicant for international protection" means a third country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;	(c) "applicant" or "applicant for ⇒ international protection ⇐ asylum " means a third country national or stateless person who has made an application for ⇒ international protection ⇐ asylum in respect of which a final decision has not yet been taken;	Identical
(d) "applicant in need of special procedural guarantees" means an applicant who due to	(d) "applicant in need of special procedural guarantees" means an applicant who due to	(d) "applicant in need of special procedural guarantees" means an applicant ⇒ whose	Pending. Related to <i>Article 24 and Recital (23)</i> (identification mechanism).

age, gender, sexual orientation, gender identity, disability, serious physical illness, mental illness, post traumatic disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive;	age, gender, sexual orientation, gender identity, disability, physical illness, mental illness, post traumatic disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive;	ability to benefit from the rights and comply with the obligations provided for in this Directive is limited ☹ ☞ [...] ☹ due to ☞ individual circumstances ☞ [...] ☹;	<u>Political, it is part of a red line.</u> <u>(effective identification mechanism of persons with special procedural needs)</u>
(e) "final decision" means a decision on whether the third country national or stateless person be granted refugee ☞ or subsidiary protection ☞ status by virtue of Directive [...] /EU] [the Qualification Directive] 2004/83/EC and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has	(e) "final decision" means a decision on whether the third country national or stateless person be granted refugee or subsidiary protection status by virtue of Directive [...] /EU] [the Qualification Directive] and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has the	(e) "final decision" means a decision on whether the third country national or stateless person be granted refugee ☞ or subsidiary protection ☞ status by virtue of Directive [...] /EU] [the Qualification Directive] 2004/83/EC and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has	Identical

the effect of allowing applicants to remain in the Member States concerned pending its outcome, subject to Annex III of this Directive;	effect of allowing applicants to remain in the Member States concerned pending its outcome;	the effect of allowing applicants to remain in the Member States concerned pending its outcome, subject to Annex III of this Directive;	
(f <u>e</u>) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for ⇒ international protection ⇐ asylum competent to take decisions at first instance in such cases, subject to Annex I;	(f) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance in such cases;	(f <u>e</u>) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for ⇒ international protection ⇐ asylum competent to take decisions at first instance in such cases, subject to Annex I;	Identical
(g <u>f</u>) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of Directive <u>[.../.../EU]</u> [the Qualification Directive] 1 of the Geneva Convention as set out in Directive 2004/83/EC;	(g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of Directive <u>[.../.../EU]</u> [the Qualification Directive];	(g <u>f</u>) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of Directive <u>[.../.../EU]</u> [the Qualification Directive] 1 of the Geneva Convention as set out in Directive 2004/83/EC;	Identical

(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU] [the Qualification Directive];	(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU] [the Qualification Directive];	(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU] [the Qualification Directive];	Identical
(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
(j) "refugee status" means the recognition by a Member State of a third country national or a <input checked="" type="checkbox"/> a <input type="checkbox"/> stateless person as a refugee;	(j) "refugee status" means the recognition by a Member State of a third country national or a stateless person as a refugee;	(j) "refugee status" means the recognition by a Member State of a third country national or a <input checked="" type="checkbox"/> a <input type="checkbox"/> stateless person as a refugee;	Identical.
(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary	(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary	(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary	Identical.

protection;	protection;	protection;	
(l) "minor" means a third country national or a stateless person below the age of 18 years;	(l) "minor" means a third country national or a stateless person below the age of 18 years;	(l) "minor" means a third country national or a stateless person below the age of 18 years;	Identical.
(m h) "unaccompanied minor" means ⇒ a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive] ⇐ a person below the age of eighteen who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by custom, and for as long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;	(m) "unaccompanied minor" means a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive];	(m h) "unaccompanied minor" means ⇒ a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive] ⇐ a person below the age of eighteen who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by custom, and for as long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;	Identical.
(n i) "representative" means a ⇒ person or an organisation appointed	(n) "representative" means a person or an organisation appointed by the	(n i) "representative" means a ⇒ person or an organisation appointed	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows,

<p>by the competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance with this Directive person acting on behalf of an organisation representing an unaccompanied minor as legal guardian, a person acting on behalf of a national organisation which is responsible for the care and well-being of minors, or any other appropriate representation appointed to ensure his/her best</p>	<p>competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance with this Directive. <i>The organisation has to prove available capacities to carry out the duties fully;</i></p>	<p>by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation <i>is appointed</i> as a representative, it shall designate a person responsible for carrying out the duties of <i>this</i> organisation in respect of the minor, in accordance with this Directive person acting on behalf of an organisation representing an unaccompanied minor as legal guardian, a person acting on behalf of a national organisation which is responsible for the care and well-being of minors, or any other</p>	<p>page 4.</p>
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interests;		appropriate representation appointed to ensure his/her best interests;	
(<u>o</u> j) "withdrawal of ⇒ international protection ⇐ refugee status" means the decision by a competent authority to revoke, end or refuse to renew the refugee ⇒ or subsidiary protection ⇐ status of a person in accordance with Directive [.../.../EU] <u>[the</u> <u>Qualification</u> <u>Directive]</u> 2004/83/EC ;	(o) "withdrawal of international protection" means the decision by a competent authority to revoke, end or refuse to renew refugee or subsidiary protection status of a person in accordance with Directive [.../.../EU] [the Qualification Directive];	(<u>o</u> j) "withdrawal of ⇒ international protection ⇐ refugee status" means the decision by a competent authority to revoke, end or refuse to renew the refugee ⇒ or subsidiary protection ⇐ status of a person in accordance with Directive [.../.../EU] <u>[the</u> <u>Qualification</u> <u>Directive]</u> 2004/83/EC ;	Identical.
(<u>p</u> k) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for ⇒ international protection ⇐ asylum has been made or is being examined;=	(p) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection has been made or is being examined;=	(<u>p</u> k) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for ⇒ international protection ⇐ asylum has been made or is being examined;=	Identical
	(q) <i>"new facts and</i>		Agreed to take COM/Council text

	<i>circumstances" means facts supporting the essence of the claim, which could contribute to the revision of an earlier decision.</i>		(deletion). See shadow meeting of 8.11.2012, note for the shadows, page 4.
(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Article 28(1).	(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Article 28(1).	(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Article 28(1).	Identical.
<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	
Scope	Scope	Scope	
1. This Directive shall apply to all applications for ⇒ international protection ⇐ asylum	1. This Directive shall apply to all applications for international protection made in the	1. This Directive shall apply to all applications for ⇒ international protection ⇐ asylum	Identical

made in the territory, including at the border ⇒ , in the territorial waters ⇐ or in the transit zones of the Member States, and to the withdrawal of ⇒ international protection ⇐ refugee status.	territory, including at the border, in the territorial waters or in the transit zones of the Member States, and to the withdrawal of international protection status.	made in the territory, including at the border ⇒ , in the territorial waters ⇐ or in the transit zones of the Member States, and to the withdrawal of ⇒ international protection ⇐ refugee status.	
2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	Identical
3. Where Member States employ or introduce a procedure in which asylum applications are examined both as applications on the basis of the Geneva Convention and as applications for other kinds of international protection given under the circumstances defined by Article 15 of Directive 2004/83/EC,		3. Where Member States employ or introduce a procedure in which asylum applications are examined both as applications on the basis of the Geneva Convention and as applications for other kinds of international protection given under the circumstances defined by Article 15 of Directive 2004/83/EC,	

they shall apply this Directive throughout their procedure.		they shall apply this Directive throughout their procedure.	
3. 4. Moreover, Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection ⇒ falling outside of the scope of Directive [.../.../EU] [the Qualification Directive] ⇐.	3. Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection falling outside of the scope of Directive [.../.../EU] [the Qualification Directive].	3. 4. Moreover, Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection ⇒ falling outside of the scope of Directive [.../.../EU] [the Qualification Directive] ⇐.	Identical
<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>	Compromise by Council accepted (see shadow meeting of 11 October 2012, point A.4.) However, the EP amendment to paragraph 2(b) to insert "reasoned opinion" remains pending . <i>Article 4</i>
Responsible authorities	Responsible authorities	Responsible authorities	Responsible authorities
1. Member States shall designate for all procedures a determining authority which will be	1. Member States shall designate for all procedures a determining authority which will be	1. Member States shall designate for all procedures a determining authority which will be	1. Member States shall designate for all procedures a determining authority which will be

<p>responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9.</p> <p>⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p>	<p>responsible for an appropriate examination of applications in accordance with this Directive. Member States shall ensure that that authority is provided with appropriate means, including sufficient competent <u>and specialised</u> personnel, to carry out its tasks in accordance with this Directive.</p>	<p>responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9.</p> <p>⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p>	<p>responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9.</p> <p>⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p> <p>Agreed to take Com/Council text.</p> <p>See shadow meeting of 11 October 2012, note I, page 10.</p>
<p>In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications for asylum made in a Member State to the authorities of another Member State carrying out immigration controls there shall be dealt with by the Member State in whose territory the</p>		<p>In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications for asylum made in a Member State to the authorities of another Member State carrying out immigration controls there shall be dealt with by the Member State in whose territory the</p>	

application is made.		application is made.	
2. However, Member States may provide that ☒ an ☒ another authority ☒ other than that referred to in paragraph 1 ☒ is responsible for the purposes of:	2. Member States may provide that an authority other than that referred to in paragraph 1 is responsible for the purposes of:	2. However, Member States may provide that ☒ an ☒ another authority ☒ other than that referred to in paragraph 1 ☒ is responsible for the purposes of:	Identical
(a) ⇒ processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and ⇐ processing cases in which it is considered to transfer the applicant to another State according to the rules establishing criteria and mechanisms for determining which State is responsible for considering an application for asylum, until the transfer takes place	(a) processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and	(a) ⇒ processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and ⇐ processing cases in which it is considered to transfer the applicant to another State according to the rules establishing criteria and mechanisms for determining which State is responsible for considering an application for asylum, until the transfer takes place	Identical



or the requested State has refused to take charge of or take back the applicant;		or the requested State has refused to take charge of or take back the applicant;	
(b) taking a decision on the application in the light of national security provisions, provided the determining authority is consulted prior to this decision as to whether the applicant qualifies as a refugee by virtue of Directive 2004/83/EC;		(b) taking a decision on the application in the light of national security provisions, provided the determining authority is consulted prior to this decision as to whether the applicant qualifies as a refugee by virtue of Directive 2004/83/EC;	
(c) conducting a preliminary examination pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous		(c) conducting a preliminary examination pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous	

application;		application;	
(d) processing cases in the framework of the procedures provided for in Article 35(1);		(d) processing cases in the framework of the procedures provided for in Article 35(1);	
(<u>b</u> e) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5) , subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining authority. ⇐ 1	(b) granting or refusing permission to enter in the framework of the procedure provided for in Article 43, subject to the conditions and as set out therein and on the basis of the reasoned opinion of the determining authority.	(<u>b</u> e) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5) , subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining authority. ⇐ 1	Pending. <u>Addition of "reasoned" still pending.</u>
(f) establishing that an applicant is seeking to enter or has entered into the Member State from a safe third country pursuant to Article 36, subject to the conditions		(f) establishing that an applicant is seeking to enter or has entered into the Member State from a safe third country pursuant to Article 36, subject to the conditions	

and as set out in that Article.		and as set out in that Article.	
<p>3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for initial and, where relevant, follow-up training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010. Member States shall also take into account the training established and developed by the European Asylum Support Office.</p>	<p>3. Member States shall ensure that the personnel of the determining authority <i>and of the other competent authorities</i> are properly trained. To that end, Member States shall provide for initial and follow-up training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010 <i>and</i> the training established and developed by the European Asylum Support Office. <i>As part of the adequate training of the personnel, Member States shall also ensure continuous psychological guidance and assistance of the personnel.</i></p> <p><u>The training shall include, in particular:</u></p> <p>(a) <u>substantive and procedural rules on international</u></p>	<p>3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for ☐ [...] relevant ☐ [...] training ☐ taking inter alia ☐ [...] into account the training established and developed by the European Asylum Support Office. ☐ Persons interviewing applicants pursuant to this Directive ☐ shall ☐ also ☐ have acquired general knowledge of ☐ [...] ☐ problems which could adversely affect the applicants' ability to be interviewed ☐, such as indications of possible past torture. ☐. ☐</p>	<p>3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for ☐ [...] relevant ☐ [...] training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010. Member States shall also take ☐ taking inter alia ☐ [...] into account the relevant training established and developed by the European Asylum Support Office. ☐ Persons interviewing applicants pursuant to this Directive ☐ shall ☐ also ☐ have acquired general knowledge of ☐ [...] ☐ problems which could adversely affect the applicants' ability to be</p>

	<p><u>protection and Human Rights set out in relevant international and Union instruments, including the principles of non-refoulement and non-discrimination;</u></p> <p>(b) <i>applicants with special needs, as defined in Article 2(d);</i></p> <p>(c) <u>gender, sexual orientation, trauma and age awareness, with particular attention being paid to unaccompanied minors;</u></p> <p>(d) <u>use of country of origin information;</u></p> <p>(e) <u>interview techniques, including cross-culture communication;</u></p> <p>(f) <u>identification and documentation of signs and symptoms of torture;</u></p> <p>(g) <u>evidence assessment, including the principle of the benefit of the doubt;</u></p> <p>(h) <u>case law issues relevant to the examination of applications for international protection.</u></p>		<p><u>interviewed</u> ☞, such as <u>indications of possible past torture.</u> ☞. ☞</p>
<p><u>4.2</u> Where ☒ an authority is ☒ authorities are designated in accordance</p>	<p>4. Where an authority is designated in accordance with paragraph 2,</p>	<p><u>4.2</u> Where ☒ an authority is ☒ authorities are designated in accordance</p>	<p><u>4.2</u> Where ☒ an authority is ☒ authorities are designated in accordance</p>

with paragraph 2, Member States shall ensure that the personnel of ☒ that authority ☒ such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	Member States shall ensure that the personnel of that authority have the appropriate knowledge and receive the necessary training to fulfil their obligations when implementing this Directive.	with paragraph 2, Member States shall ensure that the personnel of ☒ that authority ☒ such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	with paragraph 2, Member States shall ensure that the personnel of ☒ that authority ☒ such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.
5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	Identical.
<i>Article 5</i>	<i>Article 5</i>	<i>Article 5</i>	
More favourable provisions	More favourable provisions	More favourable provisions	
Member States may introduce or maintain more favourable	Member States may introduce or maintain more favourable	Member States may introduce or maintain more favourable	Identical

standards on procedures for granting and withdrawing ⇒ international protection ⇐ refugee status , insofar as those standards are compatible with this Directive.	standards on procedures for granting and withdrawing international protection insofar as those standards are compatible with this Directive.	standards on procedures for granting and withdrawing ⇒ international protection ⇐ refugee status , insofar as those standards are compatible with this Directive.	
CHAPTER II	CHAPTER II	CHAPTER II	
BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	
<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	Article 6 Pending.
Access to the procedure	Access to the procedure	Access to the procedure	Access to the procedure
1. Member States may require that applications for ⇒ international protection ⇐ asylum be ⇒ lodged ⇐ made in person and/or at a designated place ⇒, without prejudice to	1. Member States may require that applications for international protection be lodged in person and/or at a designated place, without prejudice to paragraphs	1.  [...] 	It is covered by paragraph 3 of Council text:

paragraphs 2, 3, and 4 ⇐.	2, 3, and 4.		
		<p>⇒ [...] ⇐ ⇒ When a person makes a request for international protection, ⇐ ⇒ to an authority competent under national law for registration of such applications, the ⇒ registration ⇐</p> <p>⇒ [...] ⇐ shall ⇒ take place ⇐ ⇒ [...] ⇐ no later than 3 working days after the request is made. ⇐</p>	Pending.
		<p>⇒ If the request ⇒ for international protection ⇐ is made to ⇒ other authorities which are ⇐ ⇒ [...] ⇐ likely to receive such requests, but not competent for the registration under national law, Member States shall ensure that ⇒ [...] ⇐ the ⇒ registration shall take</p>	

		place ☞ ☞ [...] ☞ no later than 6 working days after the request is made. ☞	
		☞ Member States shall ☞ ensure that those ☞ ☞ [...] ☞ other authorities which are likely to receive requests for international protection ☞ such as ☞ ☞ [...] ☞ police, border guards, immigration authorities and personnel of detention facilities ☞ ☞ [...] ☞ have the relevant information and that their personnel receive ☞ ☞ [...] ☞ instructions ☞ to inform applicants where and how applications for international protection may be lodged ☞ . ☞	
		☞ ☞ [...] ☞	
		☞ ☞ [...] ☞	
2. Member States shall ensure that a person who wishes to make an	2. Member States shall ensure that a person who wishes to make an	☞ 2 ☞ ☞ [...] ☞ . ☞ ☞ [...] ☞ Member States shall ensure that ☞ a person	EP Amendment pending is linked to Article 24 .

<p>application for international protection has an effective opportunity to lodge the application as soon as possible.</p>	<p>application for international protection has an effective opportunity to lodge the application as soon as possible. <i>Where applicants are unable to lodge their application in person, Member States shall ensure that a legal representative is able to lodge the application on their behalf.</i></p>	<p>who has made a request for international protection has an effective opportunity to lodge his/her application as soon as possible. Where the applicant does not avail himself/herself of this opportunity, <u>Member States may apply [...] Article 28 of this Directive accordingly .</u></p>	
<p>3. When a person declares his/her wish to make an application for international protection, Member States shall ensure that the fact that that person is an applicant is registered as soon as possible and no later than 72 hours after such declaration.</p>	<p>3. When a person declares his/her wish to make an application for international protection, Member States shall ensure that the fact that that person is an applicant is registered as soon as possible and no later than 72 hours after such declaration.</p>		
		<p><u>3. Member States may require that applications for international protection be lodged in person and/or at a designated place, without</u></p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

		<p>prejudice to</p> <p>paragraph</p> <p>[...] 2 [...]</p> <p>.</p>	
		<p>4. Without prejudice to paragraph 3, an application for international protection shall be deemed to have been lodged [...] once</p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>
		<p>(a) [...] a form submitted by the applicant, or</p>	
		<p>(b) where [...] foreseen in national law, [...] an official [...] report [...] has reached the relevant competent [...] authorities of the Member State concerned [...] .</p>	
<p>To that end, Member States shall ensure that the personnel of</p>	<p>To that end, Member States shall ensure that the personnel of</p>	<p>[...]</p>	

authorities likely to receive such declarations has relevant instructions and receives the necessary training.	authorities likely to receive such declarations, such as <u>border guards, police and immigration authorities,</u> and <u>personnel of detention facilities</u> has relevant instructions and receives the necessary training for <i>recognising, registering and forwarding</i> applications for international protection.		
In the implementation of this paragraph, Member States shall take into account relevant guidelines developed by the European Asylum Support Office.	In the implementation of this paragraph, Member States shall take into account relevant guidelines developed by the European Asylum Support Office.	☞ [...] ☞	
4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member	4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member	☞ 5. ☞ ☞ [...] ☞ ☞ [...] ☞. Where ☞ the simultaneous ☞ ☞ [...] ☞ request ☞ ☞ for ☞ international protection ☞ by a large number of third country nationals or stateless persons ☞ ☞ [...] ☞ makes it ☞ very	Pending. Related to <i>Article 49</i> . <u>EP-suggestion in relation to its AM on paragraph 4:</u> 4. Where a large number of third country nationals or stateless persons simultaneously request



States may provide for that time limit to be extended to 7 working days.	States may provide for that time limit to be extended to 7 working days <i>after notification to the Commission of the reasons why registration is not possible within the time limit laid down in paragraph 1.</i>	difficult in practice to respect the time limit laid down in paragraph 1 , Member States may provide for that time limit to be extended to 10 working days.	international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days <i>after notification to the Commission of the reasons why registration is not possible within the time limit laid down in paragraph 1.</i> Member States shall communicate as soon as possible to the Commission the use as well as the grounds for applying the extended time limit of 7 working days.
2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum on his/her own behalf.		2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum on his/her own behalf.	
3. Member States may provide that an application may be made		3. Member States may provide that an application may be made	

by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.		by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	
Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.		Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.	
4. Member States may determine in national legislation		4. Member States may determine in national legislation	
(a) the cases in which a minor can make an application on his/her own behalf;		(a) the cases in which a minor can make an application on his/her own behalf;	
(b) the cases in which the application of an unaccompanied		(b) the cases in which the application of an unaccompanied	

minor has to be lodged by a representative as provided for in Article 17(1)(a);		minor has to be lodged by a representative as provided for in Article 17(1)(a);	
(e) the cases in which the lodging of an application for asylum is deemed to constitute also the lodging of an application for asylum for any unmarried minor.		(e) the cases in which the lodging of an application for asylum is deemed to constitute also the lodging of an application for asylum for any unmarried minor.	
5. Member States shall ensure that authorities likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where he/she may make such an application and/or may require these authorities to forward the application to the competent authority.		5. Member States shall ensure that authorities likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where he/she may make such an application and/or may require these authorities to forward the application to the competent authority.	

<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>
Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors
<u>1.</u> 2. Member States shall ensure that each adult having legal capacity has the right to make an application for international protection ⇨ international protection ⇨ asylum on his/her own behalf.	1. Member States shall ensure that each adult having legal capacity has the right to make an application for international protection on his/her own behalf.	<u>1.</u> 2. Member States shall ensure that each adult having legal capacity has the right to make an application for international protection ⇨ international protection ⇨ asylum on his/her own behalf.	Identical.
<u>2.</u> 3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	2. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	<u>2.</u> 3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	Identical.
Consent shall be	Consent shall be	Consent shall be	Agreed to take COM/Council

<p>requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. ⇒ Before consent is requested, each adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection. ⇐</p>	<p>requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. Before consent is requested, each adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection.</p>	<p>requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. ⇒ Before consent is requested, each ⇨ <u>dependant</u> ⇩ adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection. ⇐</p>	<p>text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>
<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the Member State concerned, or through his/her parents or other adult family members, or an adult responsible for</p>	<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the Member State concerned, or through his/her parents or other adult family members, or an adult responsible for</p>	<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the Member State concerned, or through his/her parents or other adult family members, or an adult responsible for</p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

him/her, whether by law or by national practice of the Member State concerned, or a representative.	him/her, whether by law or by national practice of the Member State concerned, or a representative. <i>In all other cases, paragraph 4 shall apply.</i>	him/her, whether by law or by national practice of the Member State concerned, or  through  a representative.	
4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council ¹ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the	4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council <i>of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals</i> have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal	4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council ² have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the	Identical.

¹ OJ L 348, 24.12.2008, p. 98

² OJ L 348, 24.12.2008, p. 98

Qualification Directive].	situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [.../.../EU] [the Qualification Directive].	Qualification Directive].	
5. 4 Member States may determine in national legislation:	5. Member States may determine in national legislation:	5. 4 Member States may determine in national legislation:	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	
(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 17 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 17 (1)(a);	
(c) the cases in which the lodging of an application for ⇒ international protection ⇐	■	(c) the cases in which the lodging of an application for ⇒ international protection ⇐	

<p>asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.</p>		<p>asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.</p>	
Article 8	Article 8	Article 8	Article 8
Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities
<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders ➡, in response to an enquiry from the third country national or stateless person in this respect ☹. ➡ In these detention facilities and border areas, ☹ Member States shall provide</p>	<p><u>Presidency suggestion for Article 8(1).</u></p> <p><u>Pending.</u></p> <p><u>Political red line.</u></p> <p><u>(access to information)</u></p> <p>1. Where there are indications that third-country nationals or stateless persons detained in detention facilities or present at</p>

		<p>interpretation arrangements to the extent necessary to facilitate access to the procedure concerning international protection [...] .</p>	<p>border crossings, including transit zones at external borders, may wish to make a request for international protection, Member States shall provide them with the <u>in response to an enquiry from the third country national or stateless person in this respect</u> information on the possibility to do so request international protection. In these detention facilities and border areas, Member States shall provide interpretation arrangements to the extent necessary to facilitate access to the procedure concerning international protection [...] .</p>
<p>2. Member States shall ensure that organisations providing advice and counselling to applicants</p>	<p>2. Member States shall ensure that organisations providing <i>legal assistance</i> and/or</p>	<p>2. Member States shall ensure that organisations and persons providing advice and</p>	<p>Agreed to take compromise text. See shadow meeting of 11 October 2012, note I, page 10.</p>

<p>for international protection have access to the border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations in these areas and that such access is subject to an agreement with the competent authorities of the Member State.</p>	<p><i>representation</i> to applicants for international protection have <i>swift</i> access to the border crossing points, including transit zones, and <u>detention facilities</u> at external borders. Member States may provide for rules covering the presence of such organizations in these areas, <i>as long as they do not limit access by applicants to advice and counselling</i>.</p>	<p>counselling to applicants for international protection have access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> <u>The rules may also impose limitations</u> <u>due to the security, public order and administrative management of</u> <u>the area concerned</u>.</p>	<p>2. Member States shall ensure that organisations <u>and persons</u> providing advice and counselling to applicants for international protection have effective access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> <u>Limits on access may be imposed only, where, by virtue of national law, they are objectively necessary for</u> The rules may also impose limitations due to the security, public</p>
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			order or and administrative management of the area concerned provided that access is not thereby severely limited or rendered impossible.
<i>Article 9</i>	<i>Article 9</i>	<i>Article 9</i>	
Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	
<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to remain shall not constitute an entitlement</p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a <i>final</i> decision, <i>including in cases where an applicant lodges an appeal, and for as long as a competent court or tribunal so authorises</i> .</p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to remain shall not constitute an entitlement</p>	<p>Agreed to take Com/Council text.</p> <p>See shadow meeting of 11 October 2012, note I, page 10.</p>

to a residence permit.	This right to remain shall not constitute an entitlement to a residence permit.	to a residence permit.	
<p>2. Member States can make an exception only where in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant¹ or otherwise, or to a third country, ⇒ with the exception of the country of origin of the applicant concerned, ⇐ or to international criminal courts or tribunals.</p>	<p>2. Member States can make an exception only where a person makes a subsequent application referred to in Article 41 or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant or otherwise, or to a third country, with the exception of the country of origin of the applicant concerned, or to international criminal courts or tribunals.</p>	<p>2. Member States can make an exception only where in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant² or otherwise, or to a third country ⇒ [...] ⇐ or to international criminal courts or tribunals.</p>	Pending.

¹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

² Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where the competent authorities are satisfied that an extradition decision will not result in direct or indirect <i>refoulement</i> in violation of international obligations of the Member State.	3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where an extradition decision will not result in direct or indirect <i>refoulement</i> in violation of international obligations of the Member State <i>or expose the applicant to inhuman or degrading treatment upon arrival in the third country.</i>	3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where the competent authorities are satisfied that an extradition decision will not result in direct or indirect <i>refoulement</i> in violation of international obligations of the Member State.	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4. See also shadow meeting of 11 October 2012, note I, page 10.
Article <u>10</u> 8	Article 10	Article <u>10</u> 8	
Requirements for the examination of applications	Requirements for the examination of applications	Requirements for the examination of applications	
1. Without prejudice to Article 23(4)(i), Member States shall ensure that applications for international protection ⇨ international protection ⇨ asylum are neither rejected nor excluded from examination on the sole ground that they have	1. Member States shall ensure that applications for international protection are neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible.	1. Without prejudice to Article 23(4)(i), Member States shall ensure that applications for international protection ⇨ international protection ⇨ asylum are neither rejected nor excluded from examination on the sole ground that they have	Identical.

not been made as soon as possible.		not been made as soon as possible.	
2. When examining applications for international protection, the determining authority shall first determine whether the applicants qualify as refugees and, if not, determine whether the applicants are eligible for subsidiary protection.	2. When examining applications for international protection, the determining authority shall first determine whether the applicants qualify as refugees and, if not, determine whether the applicants are eligible for subsidiary protection.	2. When examining applications for international protection, the determining authority shall first determine whether the applicants qualify as refugees and, if not, determine whether the applicants are eligible for subsidiary protection.	Identical
3. 2. Member States shall ensure that decisions by the determining authority on applications for ⇒ international protection ⇐ asylum are taken after an appropriate examination. To that end, Member States shall ensure that:	3. Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that:	3. 2. Member States shall ensure that decisions by the determining authority on applications for ⇒ international protection ⇐ asylum are taken after an appropriate examination. To that end, Member States shall ensure that:	Identical
(a) applications are examined and decisions are taken individually, objectively and impartially;	(a) applications are examined and decisions are taken individually, objectively and impartially;	(a) applications are examined and decisions are taken individually, objectively and impartially;	Identical

<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the European Asylum Support Office, the United Nations High Commissioner for Refugees (UNHCR) and international human rights organisations, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions.</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	<p>Pending.</p> <p>Council is considering EP amendment.</p>
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(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law; ¹ ²	(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law <i>as well as human rights law and have completed the initial and follow-up training programme referred to in Article 4(1);</i>	(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law; ¹ ²	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious,	(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious,	(d) the personnel examining applications and taking decisions ³ [...] ⁴ have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or	Pending.

child-related or gender issues.	child-related, gender <i>or sexual orientation</i> issues.	gender issues.	
	(e) <i>the applicant and his/her legal advisor have access to information provided by the experts referred to in point (d).</i>		Pending. Agreed to accept COM/Council text (deletion) if EP compromise is accepted for <i>Article 12(1)(d)</i> .
4. 2 The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	4. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 (b), necessary for the fulfilment of their task.	4. 2 The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	Identical
5. 4 Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents relevant for the examination of applications.	5. Member States shall provide for rules concerning the translation of documents relevant for the examination of applications.	5. 4 Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents relevant for the examination of applications.	Identical

<i>Article <u>11</u> 9</i>	<i>Article <u>11</u></i>	<i>Article <u>11</u> 9</i>	
Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	
1. Member States shall ensure that decisions on applications for international protection ↔ asylum are given in writing.	1. Member States shall ensure that decisions on applications for international protection are given in writing.	1. Member States shall ensure that decisions on applications for international protection ↔ asylum are given in writing.	Identical
2. Member States shall also ensure that, where an application is rejected ↔ with regard to refugee status and/or subsidiary protection status ↔ , the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.	2. Member States shall also ensure that, where an application is rejected or granted with regard to refugee status and/or subsidiary protection status, the reasons in fact and in law are clearly stated in the decision and information on how to challenge a negative decision is given in writing at the time of issuing the decision and signed upon receipt by the recipient.	2. Member States shall also ensure that, where an application is rejected ↔ with regard to refugee status and/or subsidiary protection status ↔ , the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
Member States need not state the reasons for not		Member States need not state the reasons for not	

<p>granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.</p>		<p>granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.</p>	
<p>Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier stage either in writing or by electronic means accessible to the applicant.</p>	<p>■</p>	<p>Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier stage either in writing or by electronic means accessible to the applicant.</p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

<p>3. For the purposes of Article <u>7(2)</u> 6(3), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	<p>3. For the purposes of Article 7(2), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution. <u>In such cases, a separate decision shall be issued to the person concerned.</u></p>	<p>3. For the purposes of Article <u>7(2)</u> 6(3), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	<p>Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>
<p>Article <u>12</u> 10</p>	<p>Article <u>12</u></p>	<p>Article <u>12</u> 10</p>	
<p>Guarantees for applicants for ⇒ international protection ⇐ asylum</p>	<p>Guarantees for applicants for international protection</p>	<p>Guarantees for applicants for ⇒ international protection ⇐ asylum</p>	
<p>1. With respect to the procedures provided for in Chapter III, Member</p>	<p>1. With respect to the procedures provided for in Chapter III, Member</p>	<p>1. With respect to the procedures provided for in Chapter III, Member</p>	<p>Identical.</p>

States shall ensure that all applicants for ⇒ international protection ⇐ asylum enjoy the following guarantees:	States shall ensure that all applicants for international protection enjoy the following guarantees:	States shall ensure that all applicants for ⇒ international protection ⇐ asylum enjoy the following guarantees:	
(a) they shall be informed in a language which they ⇒ understand or ⇐ ☒ are ☒ may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the	(a) they shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to	(a) they shall be informed in a language which they ⇒ understand or ⇐ ☒ are ☒ may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the	Identical.

<p>obligation to submit the elements as referred to in Article 4 of Directive [...] U] [the Qualification Directive], as well as of the consequences of an explicit or implicit withdrawal of the application ⇨.</p> <p>This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13 11;</p>	<p>submit the elements as referred to in Article 4 of Directive [...] U] [the Qualification Directive], as well as of the consequences of an explicit or implicit withdrawal of the application. This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13;</p>	<p>obligation to submit the elements as referred to in Article 4 of Directive [...] U] [the Qualification Directive], as well as of the consequences of an explicit or implicit withdrawal of the application ⇨.</p> <p>This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13 11;</p>	
<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	<p>Identical.</p>

<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant ⊗ is ⊗ to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 ⇒ 16, 17 and 34 ⇐ and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the applicant is to be interviewed as referred to in Articles 14, 15, 16, 17 and 34 and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant ⊗ is ⊗ to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 ⇒ 16, 17 and 34 ⇐ and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	
(c) they shall not be denied the	(c) they shall not be denied the	(c) they shall not be denied the	Identical.

<p>opportunity to communicate with the UNHCR or with any other organisation</p> <p>⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of ↔ working on behalf of the UNHCR in the territory of the Member State pursuant to an agreement with that Member State;</p>	<p>opportunity to communicate with the UNHCR or with any other organisation</p> <p>providing legal advice or counselling to applicants for international protection in accordance with the national law of that Member State;</p>	<p>opportunity to communicate with the UNHCR or with any other organisation</p> <p>⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of ↔ working on behalf of the UNHCR in the territory of the Member State pursuant to an agreement with that Member State;</p>	
<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that</p>	<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that</p>	<p>(d) they and, if applicable, their legal advisers ⇒ in accordance with Article 23(1) ☹ shall not be denied access to the information referred to in Article 10(3)(b), where the</p>	<p><i>EP compromise text for Article 12(1)(d) related to Article 10(3)(e):</i></p> <p>"d) they and, if applicable, their legal advisers, in accordance with Article 23(1) shall not be denied access to the information referred to in Article 10(3)(b) <i>and to the information provided by experts referred to in Article 10(3)(d),</i></p>

information into consideration for the purpose of taking a decision on their application;	information into consideration for the purpose of taking a decision on their application;	determining authority has taken that [...] that information into consideration for the purpose of taking a decision on their application;	where the determining authority has taken that information into consideration for the purpose of taking a decision on their application."
(e e) they shall be given notice in reasonable time of the decision by the determining authority on their application for ⇒ international protection ⇐ asylum . If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for ⇒ international protection ⇐	(e) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection;	(ee) they shall be given notice in reasonable time of the decision by the determining authority on their application for ⇒ international protection ⇐ asylum . If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for ⇒ international protection ⇐	Identical.

asylum;		asylum;	
(f) they shall be informed of the result of the decision by the determining authority in a language that they ⇨ understand or ⇨ are ⇨ may reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> <u>9(2)</u> .	(f) they shall be informed of the result of the decision by the determining authority in a language that they understand or are reasonably supposed to understand when they are not assisted or represented by a legal adviser or other counsellor. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article 11(2).	(fe) they shall be informed of the result of the decision by the determining authority in a language that they ⇨ understand or ⇨ are ⇨ may reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> <u>9(2)</u> .	Identical.
2. With respect to the	2. With respect to the	2. With respect to the	Identical

procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) ⇒, (d) ⇐ and (e d) of this Article.	procedures provided for in Chapter V, Member States shall ensure that all applicants enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c), (d) and (e) of this Article.	procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) ⇒, (d) ⇐ and (e d) of this Article.	
<i>Article <u>13</u> 11</i>	<i>Article <u>13</u></i>	<i>Article <u>13</u> 11</i>	
Obligations of the applicants for ⇒ international protection ⇐ asylum	Obligations of the applicants for international protection	Obligations of the applicants for ⇒ international protection ⇐ asylum	
1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [...]/.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum	1. Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities <i>and to assist, to the extent of their physical and psychological capacities, in clarifying the situation and to reveal</i> their identity, <i>nationality</i> and other elements referred to in Article 4(2) of Directive	1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [...]/.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum	Pending. The first EP amendment is to be considered together with <i>Article 24</i> .

<p>⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	<p>[.../.../EU] [the Qualification Directive] <i>to the competent authorities. If they are not in possession of a valid passport or a document in lieu of a passport, applicants shall be required to cooperate in obtaining an identity document. So long as applicants are permitted to remain in the Member State under international protection during the consideration of the application, they shall not be required to enter into contact with authorities of their country of origin if there is reason to fear persecution by that state.</i> Member States may impose upon applicants other obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the</p>	<p>⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	
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	application.		
2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	Identical.
(a) applicants for asylum are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	(a) applicants are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	(a) applicants for asylum are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	Identical.
(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	Identical.
(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any	(c) applicants are required to inform the competent authorities of their current place of residence or address and of any changes thereof as	(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any	Identical.

changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;	soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;	changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;	
(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ , provided the search is carried out by a person of the same sex ⇐ ;	(d) the competent authorities may search the applicant and the items he/she carries with him/her, provided the search is carried out by a person of the same sex <i>who is sensitive to the applicant's age and culture and fully respects the principle of human dignity and physical and mental integrity</i> ;	(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ ⇐ . <u>Whenever possible, a search of the applicant's person shall be ⇐ ⇐ [...] ⇐ carried out by a person of the same sex ⇐ ;</u>	Pending. EP compromise text: “A search of the applicant's person shall be carried out by a person of the same sex in full respect for the principles of human dignity and of physical and mental integrity.”

(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	Identical.
(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	Identical.
<i>Article <u>14</u> 12</i>	<i>Article <u>14</u></i>	<i>Article <u>14</u> 12</i>	<p>Agreed to take compromise text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p> <p>See shadow meeting of 11 October 2012, Note II, point A.1.1. and Note I, page 10.</p> <p>However, EP AM related to information/notification still pending.</p> <p><i>Article <u>14</u> 12</i></p>

Personal interview	Personal interview	Personal interview	Personal interview
<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p>	<p>1. Before a decision is taken by the determining authority, the applicant shall be given the opportunity of a personal interview on his/her application for international protection <i>in a language which he/she understands</i> with a person competent under national law to conduct such an interview. Interviews on <i>the admissibility of an application for international protection</i> and on the substance of the application for international protection shall be conducted by the personnel of the determining authority.</p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p>
		<p>☞ <u>This paragraph shall be without prejudice to Article 42(2)(b).</u> ☛</p>	<p>☞ <u>This paragraph shall be without prejudice to Article 42(2)(b).</u> ☛</p>
<p>Member States may also give the opportunity of a</p>		<p>Member States may also give the opportunity of a</p>	

personal interview to each dependant adult referred to in Article 6(3).		personal interview to each dependant adult referred to in Article 6(3).	
Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews <i>after notification to the Commission of the reasons why it is impossible in practice for the determining authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the</i>	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the relevant necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010. Persons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which could adversely affect the applicants' ability to be interviewed, such as indications of possible past torture —and in Article 18(5) of this Directive.

	<p><i>time-limit as laid down in Article 31(3).</i> In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive <i>as well as the training established and developed by the European Asylum Support Office.</i></p>		<p>Pending.</p> <p>EP suggestion as to its amendment on notification:</p> <p><u>Political red line.</u></p> <p><u>(Derogatory procedures in case of large numbers of asylum applications)</u></p> <p>1.</p> <p>Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews <i>after notification to the Commission of the reasons why it is impossible in practice for the determining authority</i></p>
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			<p><i>to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time limit as laid down in Article 31(3). after communication as soon as possible to the Commission of the use of this exception and the grounds justifying why it is impossible in practice for the determining authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time-limit as laid down in Article 31(3).</i></p>
Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.
Member States may	Member States shall	Member States may	Member States may determine in

determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview, <i>taking due account of the child's best interests and special needs.</i>	determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	national legislation the cases in which a minor shall be given the opportunity of a personal interview.
2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:
(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision with regard to refugee status on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or
(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her with completing his/her application and submitting the		(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her with completing his/her application and submitting the	

essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or		essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or	
(e) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a), (e), (g), (h) and (j) apply.		(e) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a), (e), (g), (h) and (j) apply.	
3. The personal interview may also be omitted where		3. The personal interview may also be omitted where	
<u>(b)</u> it is not reasonably practicable, in particular where	(b) the determining authority is of the opinion that the	<u>(b)</u> it is not reasonably practicable, in particular where	<u>(b)</u> it is not reasonably practicable, in particular where the ⇨ determining ⇐

<p>the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or permanent ⇐ Member States may require a medical or psychological certificate.</p>	<p>applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or permanent.</p>	<p>the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or ⇐ of long-term nature ⇐ ⇐ [...] ⇐ Member States may require a medical or psychological certificate.</p>	<p>competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical professional expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or ⇐ of enduring long- term nature ⇐ ⇐ [...] ⇐ Member States may require a medical or psychological certificate.</p> <p>Technical change: see Shadow meeting of 11 October 2012, Note I, page 10.</p>
Where ☒ a personal	Where a personal	Where ☒ a personal	Where ☒ a personal

<p>interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>	<p>interview is not conducted pursuant to point (b), or where applicable, with the dependant, <i>the determining authority shall allow the applicant or the dependant to reschedule the personal interview and</i> to submit further information.</p>	<p>interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>	<p>interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>
<p><u>3. 4</u> The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum.</p>	<p>■</p>	<p><u>3.4</u> The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum.</p>	<p><u>3.4</u> The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum.</p>
<p><u>4. 5</u> The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>	<p>4. The absence of a personal interview pursuant to paragraph 2(b) shall not</p>	<p><u>4. 5</u> The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>	<p><u>4. 5</u> The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>

and paragraph 3 shall not adversely affect the decision of the determining authority.	adversely affect the decision of the determining authority.	and paragraph 3 shall not adversely affect the decision of the determining authority.	and paragraph 3 shall not adversely affect the decision of the determining authority.
5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. Irrespective of Article 28(1), Member States, when deciding on the application for international protection, may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.

<i>Article 15 12</i>	<i>Article 15</i>	<i>Article 15 12</i>	<p>Agreed to take compromise text. See shadow meeting of 8.11.2012, note for the shadows, page 4, shadow meeting of 11 October 2012, point A.1.2, and follow-up note of 20.11.2012.</p> <p><i>Article 15 12</i></p>
Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview
1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present
2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.
3. Member States shall take appropriate steps to	3. Member States shall take appropriate steps to	3. Member States shall take appropriate steps to	3. Member States shall take appropriate steps to

ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:	ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:	ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:	ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:
(a) ensure that the person who conducts the interview is sufficiently competent to take account of the personal ⇒ and ⇐ or general circumstances surrounding the application, including the applicant's cultural origin ⇒ , gender, sexual orientation, gender identity ⇐ or vulnerability ⇒ within the meaning of Article 22 of Directive [...]/.../EU [the Reception	(a) ensure that the person who conducts the interview is qualified, trained and competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability within the meaning of Article 22 of Directive [...]/.../EU [the Reception	(a) ensure that the person who conducts the interview is sufficiently competent to take account of the ⇒ relevant ⇐ personal ⇒ and ⇐ or general circumstances surrounding the application, including the applicant's cultural origin ⇒ , gender, sexual orientation, gender identity ⇐ or vulnerability ⇒ [...] ⇐ insofar as it is possible to do so; and	(a) ensure that the person who conducts the interview is sufficiently competent to take account of the ⇒ relevant ⇐ personal ⇒ and ⇐ or general circumstances surrounding the application, including the applicant's cultural origin ⇒ , gender, sexual orientation, gender identity ⇐ or vulnerability ⇒ [...] ⇐ insofar as it is possible to do so; and

Conditions Directive] ⇐ insofar as it is possible to do so; and	Conditions Directive]		
(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;	(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;	(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests ➤ unless the determining authority deems that ➤ ➤ [...] ➤ the request is ➤ [...] ➤ based on discriminatory ➤ grounds ➤ ➤ [...] ➤ ➤ ;	"b) whenever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant so requests, unless the determining authority has reasons to believe that the request is based on <i>grounds which are not related to difficulties on the part of the applicant to present the grounds of his application in a comprehensive manner</i> ";
(c) select a ⇨ competent ⇐ interpreter who is able to ensure appropriate communication between the applicant and the	(c) select a competent interpreter who is able to ensure appropriate communication between the applicant and the person who	(c) select ➤ an ➤ ➤ [...] ➤ interpreter who is able to ensure appropriate communication between the applicant and the	"c) (....) Member States shall provide an interpreter of the same sex if the applicant so requests, unless the determining authority has reasons to believe that the request is based on <i>grounds which are not related to</i>

<p>person who conducts the interview. The communication ⊗ shall ⊗ need not necessarily take place in the language preferred by the applicant for asylum ⊗ unless ⊗ if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate ⇒ clearly ⇐. ⇒ Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests ⇐;</p>	<p>conducts the interview <i>and is required to comply with a code of conduct laying down the rights and duties of the interpreter.</i> The communication shall take place in the language preferred by the applicant unless there is another language which he/she understands and in which he/she is able to communicate clearly. Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests;</p>	<p>person who conducts the interview. The communication ⊗ shall ⊗ need not necessarily take place in the language preferred by the applicant for asylum ⊗ unless ⊗ if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate ⇒ clearly ⇐. ⇒ Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests ⊃ unless the determining authority deems that ⊃_⊃ [...] ⊃ the request is</p>	<p><i>difficulties on the part of the applicant to present the grounds of his application in a comprehensive manner."</i></p>
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		[...] based on discriminatory grounds [...]	
(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;	(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear <u>a uniform</u> ;	(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;	(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform; Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.
(e) ensure that interviews with minors are conducted in a child appropriate manner.	(e) ensure that interviews with minors are conducted in a child appropriate manner <i>and by a person with the necessary knowledge of the special needs and rights of minors.</i>	(e) ensure that interviews with minors are conducted in a child appropriate manner.	(e) ensure that interviews with minors are conducted in a child appropriate manner. * The EP amendment is covered by Article 25(1)(a): (...) "the necessary expertise in the

			field of childcare". The technical group suggests accepting the Council text.
4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.
5. This Article is also applicable to the meeting referred to in Article 12(2)(b).		5. This Article is also applicable to the meeting referred to in Article 12(2)(b).	
<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4. <i>Article 16</i>
Content of a personal interview	Content of a personal interview	Content of a personal interview	Content of a personal interview
When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure <u>that the questions addressed to the</u>	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate

<p>opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p><u>applicant are relevant to the assessment of whether he/she is in need of international protection in accordance with Directive [...]/.../EU] [the Qualification Directive]</u> and that the applicant is given an adequate opportunity to present elements needed to substantiate the application as completely as possible. This shall include <u>an adequate</u> opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p>opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p>opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>
Article 14		Article 14	
Status of the report of a personal interview in the procedure		Status of the report of a personal interview in the procedure	
<p>1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms</p>		<p>1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms</p>	

of Article 4(2) of Directive 2004/83/EC.		of Article 4(2) of Directive 2004/83/EC.	
2. Member States shall ensure that applicants have timely access to the report of the personal interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.		2. Member States shall ensure that applicants have timely access to the report of the personal interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.	
3. Member States may request the applicant's approval of the contents of the report of the personal interview.		3. Member States may request the applicant's approval of the contents of the report of the personal interview.	
Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.		Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.	
The refusal of an applicant to approve the		The refusal of an applicant to approve the	

contents of the report shall not prevent the determining authority from taking a decision on his/her application.		contents of the report shall not prevent the determining authority from taking a decision on his/her application.	
4. This Article is also applicable to the meeting referred to in Article 12(2)(b).		4. This Article is also applicable to the meeting referred to in Article 12(2)(b).	

Article 17	Article 17	Article 17	<p>Pending.</p> <p><u>Presidency suggestion for Article 17.</u></p> <p>Technical group suggests taking the Presidency text. However, the EP AM to have a mandatory audio recording remains pending.</p> <p>See shadow meeting of 11 October 2012, point A.1.3.</p> <p><u>Presidency suggested a new Recital (40a) in light of possible data protection issues related to audio visual registration of an interview.</u></p> <p>The Presidency linked the proposal on Article 17 to its proposal on training (Article 4(3)). This link might still exist in their strategy.</p> <p>Article 17</p>
Report and recording of personal interviews	Transcript, <u>report</u> and recording of personal interviews	Report and recording of personal interviews	Report and recording of personal interviews

1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a <i>transcript</i> is made of every personal interview, <i>unless the interview is audio or audio-visually recorded.</i>	1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a thorough and factual report containing all substantial elements or a transcript is made of every personal interview.
2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording of the personal interview is annexed to the report.	2. Member States may provide for audio or audio-visual recording of the personal interview <i>with the consent of the applicant</i> . In this case, <i>in no way the refusal of an applicant to consent to the recording of his/her personal interview shall prevent the determining authority from taking a decision on the application and</i> Member States shall ensure that the recording of the personal interview is <i>admissible as evidence in procedures referred to in Chapter V.</i>	2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording or a transcript of the personal interview is available in connection with the applicant's file . [...] .	Pending: mandatory audio-recording. <u>Political red line.</u> <u>(quality of procedure (interview))</u> Member States may provide for audio or audio-visual recording of the personal interview. In this case an audio or an audio visual recording of the interview is made , Member States shall ensure that the recording or a transcript of the personal interview is available in connection with the applicant's file . [...] .

<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, Member States shall ensure that the applicant is fully informed of the content of the report, with the assistance of an interpreter if necessary. Member States shall then request the approval of the applicant on the content of the report.</p>	<p>3. Member States shall request the applicant's approval on the contents of the transcript at the end of the personal interview or within a specified time limit <i>taking into account the nature of the applicable procedure for granting international protection</i> before the determining authority takes a decision. To that end, Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the transcript.</p>	<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. ☞ Member States may provide that, when there is no recorded interview, the applicant has the opportunity to make comments and/or provide clarifications in the report. ☹ To that end, Member States shall ensure that the applicant is fully informed of the ☞ [...] ☹ <i>substantial elements</i> ☹ of the report ☞ as referred to in paragraph 1 ☹, with the assistance of an interpreter if necessary. Member States shall then</p>	<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications <i>orally and/or in writing</i> with regard to any mistranslations or misconceptions appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. ☞ Member States may provide that, when there is no recorded interview, the applicant has the opportunity to make comments and/or provide clarifications in the report. ☹ To that end, Member States shall ensure that the applicant is fully informed of the content ☞ [...] ☹ ☞ substantial elements ☹ of the report ☞ as referred to in paragraph 1 or of the substantial elements of</p>
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		request the acknowledgement [...] of the applicant on the content of the report.	the transcript , with the assistance of an interpreter if necessary. Member States shall then request the acknowledgement [...] of the applicant to confirm that on the content of the report correctly reflects the interview.
Member States need not request the applicant's approval on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.		Member States need not request the applicant's acknowledgement [...] on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.	Member States need not request the applicant's confirmation that acknowledgement [...] on the content of the report correctly reflects the interview if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.
4. Where an applicant refuses to approve the content of the report, the reasons for this refusal shall be entered into the applicant's file.	4. Where an applicant refuses to approve the <i>transcript</i> , the reasons for this refusal shall be entered into the applicant's file.	4. Where an applicant refuses to acknowledge [...] the content of the report, the reasons for this refusal shall be	4. Where an applicant refuses to confirm that acknowledge [...] the content of the report or the <i>transcript</i> correctly

		entered into the applicant's file.	reflects the interview, the reasons for this refusal shall be entered into the applicant's file.
The refusal of an applicant to approve the content of the report shall not prevent the determining authority from taking a decision on the application.	The refusal of an applicant to approve the content of the <i>transcript</i> shall not prevent the determining authority from taking a decision on <i>his/her</i> application.	The refusal of an applicant to acknowledge [...] the content of the report shall not prevent the determining authority from taking a decision on the application.	Such The refusal of an applicant to acknowledge the content of the report shall not prevent the determining authority from taking a decision on the application.
	5. <u>Without prejudice to paragraphs 1 to 2, Member States may ensure that a written report is made of a personal interview, containing at least the essential information regarding the application, as presented by the applicant. In such cases, Member States shall ensure that the transcript of the personal interview or the recording is annexed to the report.</u>		

<p>5. Applicants shall not be denied access to the report and, where applicable, the recording, before the determining authority takes a decision.</p>	<p>6. Applicants <i>and their legal adviser or other counsellor, as defined in article 23</i>, shall not be denied access to the <i>transcript</i> or, where applicable, the recording, before the determining authority takes a decision.</p>	<p>5. Applicants shall not be denied access to the report and, where applicable, the recording or transcript thereof or, before the determining authority takes a decision. Where the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report is granted at the same time as the decision is made.</p>	<p>5. Applicants and their legal adviser or other counsellor, as defined in Article 23, shall not be denied access to the report or the transcript and, where applicable, the recording or transcript thereof, before the determining authority takes a decision. Without prejudice to paragraph 3, where Where the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report or the transcript is granted at the same time as the decision is made.</p>
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<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>	<p>Agreed to take compromise text. See shadow meeting of 8.11.2012, note for the shadows, page 4, shadow meeting of 11 October 2012, point A.5 and follow-up note of 20.11.2012.</p> <p><i>If Article 24 is satisfactory</i> EP could accept for <i>Article 18(4)</i> the Council text (deletion).</p> <p><i>Article 18</i></p>
Medical reports	Medical reports	Medical ☞ examination ☞ ☞ [...] ☞	Medical ☞ examination ☞ ☞ [...] ☞
1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining	1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining	1. ☞ Where the determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive], ☞ ☞ [...] ☞ ☞ Member States ☞ [...] ☞ shall ☞, subject to the applicant's consent, ☞ ☞ ☞ [...] ☞ arrange	1. ☞ Where the determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive], ☞ ☞ [...] ☞ ☞ Member States ☞ [...] ☞ shall ☞, subject to the applicant's consent, ☞ ☞ ☞ [...] ☞ arrange

<p>authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this Article. If the applicant fails to submit the results of the medical examination within that time limit without good reasons, it shall not prevent the determining authority from taking a decision on the application for international protection.</p>	<p>authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this Article. If the applicant fails to submit the results of the medical examination within that time limit without good reasons, it shall not prevent the determining authority from taking a decision on the application for international protection.</p>	<p>☞ [...] ☞ for a medical examination ☞ of him/her ☞ concerning signs that might result from past persecution or serious harm ☞ ☞ [...] ☞ ☞ [...] ☞. ☞ Alternatively, Member States may ☞ ☞ provide that ☞ ☞ [...] ☞ the applicant ☞ ☞ arranges ☞ ☞ [...] ☞ for such a medical examination.</p>	<p>☞ [...] ☞ for a medical examination ☞ of him/her ☞ concerning signs that might result from past persecution or serious harm ☞ ☞ [...] ☞ ☞ [...] ☞. ☞ Alternatively, Member States may ☞ ☞ provide that ☞ ☞ [...] ☞ the applicant ☞ ☞ arranges ☞ ☞ [...] ☞ for such a medical examination.</p>
		<p>☞ The medical ☞ ☞ examinations ☞ mentioned in ☞ subparagraph 1 ☞ ☞ [...] ☞ shall be carried out by qualified medical professionals ☞ and the result thereof ☞ ☞ [...] ☞ shall be submitted to the determining authority ☞ ☞ as soon as possible ☞. ☞ Member States may designate the medical professionals who can carry out these medical</p>	<p>☞ The medical ☞ ☞ examinations ☞ mentioned in ☞ subparagraph 1 ☞ ☞ [...] ☞ shall be carried out by qualified medical professionals ☞ and the result thereof ☞ ☞ [...] ☞ shall be submitted to the determining authority ☞ ☞ as soon as possible ☞. ☞ Member States may designate the medical professionals who can carry out these medical</p>

		<p>examinations. ☐ ☐ The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection. ☐</p>	<p>examinations. ☐ ☐ The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection. ☐</p>
		<p>☐ Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds. ☐</p>	<p>☐ Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds. ☐</p>
		<p>2. ☐ Member States shall ☐ [...] ☐ ☐, whenever relevant, ☐ ☐ inform applicants that they may on their own initiative and at their own cost arrange for ☐ a medical examination concerning signs that might result from past persecution or serious harm ☐ [...] ☐☐☐.</p>	<p>2. ☐ When no medical examination is carried out in accordance with paragraph 1, Member States shall ☐ [...] ☐ ☐, ☐ whenever relevant, ☐ ☐ inform applicants that they may on their own initiative and at their own cost arrange for ☐ a medical examination concerning signs that might result from past persecution or</p>

			serious harm ☞ [...] ☹☹☹.
2. Without prejudice to paragraph 1, in cases where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.	2. Without prejudice to paragraph 1, in cases where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.		
3. Member States shall provide for relevant arrangements in order to	3. Member States shall provide for relevant arrangements in order to	☞ [...] ☹	☞ [...] ☹

ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations referred to in paragraph 2.	ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations referred to in paragraph 2 <i>and that the less invasive medical examination is selected when the applicant is a minor.</i>		
4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.	4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.	☞ [...] ☜	☞ [...] ☜
5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely	5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely	☞ [...] ☜	☞ [...] ☜

affect the applicant's ability to be interviewed.	affect the applicant's ability to be interviewed.		
6. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.	6. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application. <u>They shall, in particular, be taken into account when establishing whether the applicant's statements are credible and sufficient.</u>	3 [...] . The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.	3 [...] . The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.
<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>
Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance
1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first	1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first	1. In procedures at first instance provided for in Chapter III Member States shall ensure that [...] , on request, applicants are	Pending. <u>Political red line.</u>

instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the light of the applicant's particular circumstances and explanations of reasons in fact and in law in the event of a negative decision.	instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the light of the applicant's particular circumstances, <i>preparation of the necessary procedural documents, including during the personal interview,</i> and explanations of reasons in fact and in law in the event of a negative decision.	<u>provided with legal and procedural information free of charge</u> ☐ [...] ☐. This shall include, at least, the provision of information on the procedure in the light of the applicant's particular circumstances. ☐ [...] ☐ ☐ In ☐ the event of a negative decision ☐, Member States shall also, on request, provide applicants with information - in addition to that given in accordance with Articles 11(2) and 12(1)(f) - in order to clarify the reasons of such decision and explain how it can be challenged ☐ ☐ [...] ☐.	Presidency suggests to maintain Council text EP maintains its amendment in paragraph 1.
2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	Identical

<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>
Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures
<p><u>1.</u> In the event of a negative decision by the determining authority, Member States shall ensure that free legal assistance and/or representation is granted on request subject to the provisions of paragraph 2 ⇒ in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant. ⇐</p>	<p>1. Member States shall ensure that free legal assistance and representation is granted on request in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant.</p>	<p><u>1.</u> In the event of a negative decision by the determining authority, Member States shall ensure that free legal assistance and/or representation is granted on request subject to the provisions of paragraph 2 ⇒ in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant. ⇐</p>	<p>Identical.</p>
<p>2. Member States may also provide free legal assistance and/or</p>	<p>2. Member States may also provide free legal assistance and/or</p>	<p>2. Member States may also provide free legal assistance and/or</p>	<p>Identical.</p>

representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	
3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal to have no tangible prospect of success.	3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal to have no tangible prospect of success.	3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal ➞ or other competent authority ☹ to have no tangible prospect of success.	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
		➞ Where a decision not to grant free legal assistance and representation pursuant to this paragraph is taken by an authority which is not a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal against this decision. ☹	

In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In the application of this paragraph the [...], Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	
4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	Identical.
<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>
Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation
1. Member States may provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20	1. Member States may provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20	1. Member States may provide that the legal and procedural information referred to in Article 19 is [...] provided by non-governmental	Agreed to take compromise text: See follow-up note of 20.11.2012. 1. Member States may provide that the legal and procedural information referred to in Article 19

are provided by non-governmental organisations, government officials, or specialised services of the State.	are provided by <i>specialised, suitably qualified and impartial legal advisers, counsellors, other qualified professionals or qualified</i> non governmental organisations <i>specifically designated by national law to assist and represent asylum seekers.</i>	organisations, government officials, or specialised services of the State.	is [...] provided by non-governmental organisation, or professionals from government authorities officials, or specialised services of the State.
	Member States <i>shall</i> allow <i>and facilitate the provision</i> by non-governmental organisations <i>of</i> free legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and/or Chapter V.		
		Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under national law.	Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under

			national law. ©
1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications.		1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications.	
2. 2. Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇩ free legal assistance and/or representation <input checked="" type="checkbox"/> referred to in Article 20 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> are <input checked="" type="checkbox"/> is granted:	2. Member States may provide that the provision of legal and procedural information free of charge referred to in Article 19 and free legal assistance and representation referred to in Article 20 are granted:	2. 2. Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇩ free legal assistance and/or representation <input checked="" type="checkbox"/> referred to in Article 20 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> are <input checked="" type="checkbox"/> is granted:	2. 2. Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇩ free legal assistance and/or representation <input checked="" type="checkbox"/> referred to in Article 20 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> are <input checked="" type="checkbox"/> is granted:
(a) only for procedures before a court or tribunal in		(a) only for procedures before a court or tribunal in	

accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or		accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or	
(a <u>b</u>) only to those who lack sufficient resources; and/or	(a) only to those who lack sufficient resources; and/or	(a <u>b</u>) only to those who lack sufficient resources; and/or	(a <u>b</u>) only to those who lack sufficient resources; and/or
(b <u>e</u>) only <input checked="" type="checkbox"/> through the services provided by <input checked="" type="checkbox"/> to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum and/or	(b) only <i>for</i> the services provided by legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for international protection.	(b <u>e</u>) only <input checked="" type="checkbox"/> through the services provided by <input checked="" type="checkbox"/> to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum and/or	(b <u>e</u>) only <input checked="" type="checkbox"/> through the services provided by <input checked="" type="checkbox"/> to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for <input checked="" type="checkbox"/> international protection <input checked="" type="checkbox"/> asylum and/or
		<input checked="" type="checkbox"/> and that free legal assistance and	<input checked="" type="checkbox"/> and that free legal assistance and

		representation referred to in Article 20 is granted ☞	representation referred to in Article 20 is granted ☞
		☞ (c) only for first time appeals procedures in accordance with Chapter V before a court or tribunal and not for any onward appeals or reviews provided for under national law including rehearings or reviews of appeals. ☞	☞ (c) only for first time appeals procedures in accordance with Chapter V before a court or tribunal of first instance and not for any onward appeals or reviews provided for under national law including rehearings or reviews of appeals. Member States may also provide that free legal assistance and representation referred to in Article 20 is not granted to applicants who are no longer present on the territory in application of Article 41(2)(c).

(d) only if the appeal or review is likely to succeed.		(d) only if the appeal or review is likely to succeed.	
Member States shall ensure that legal assistance and/or representation granted under point (d) is not arbitrarily restricted.		Member States shall ensure that legal assistance and/or representation granted under point (d) is not arbitrarily restricted.	
3. 4. Rules concerning the modalities for filing and processing requests for ⇒ legal and procedural information under Article 19 and ⇐ legal assistance and/or representation ☒ under Article 20 ☒ may be provided by Member States.	3. Rules concerning the modalities for filing and processing requests for legal and procedural information under Article 19 and legal assistance and representation under Article 20 may be provided by Member States.	3. 4. Rules concerning the modalities for filing and processing requests for ⇒ legal and procedural information under Article 19 and ⇐ legal assistance and/or representation ☒ under Article 20 ☒ may be provided by Member States.	Identical
4. 5. Member States may also:	4. Member States may also:	4. 5. Member States may also:	Identical
(a) impose monetary and/or time limits on the ⇒ provision of legal and procedural information free of charge referred to in Article 19 and	(a) impose monetary and/or time limits on the provision of legal and procedural information free of charge referred to in Article 19 and	(a) impose monetary and/or time limits on the ⇒ provision of legal and procedural information free of charge referred to in Article 19 and	Identical

the ↔ provision of free legal assistance and or representation ↔ referred to in Article 20 ↔ , provided that such limits do not arbitrarily restrict access to ↔ the provision of legal and procedural information and ↔ legal assistance and or representation;	the provision of free legal assistance and representation referred to in Article 20, provided that such limits do not arbitrarily restrict access to the provision of legal and procedural information and legal assistance and representation;	the ↔ provision of free legal assistance and or representation ↔ referred to in Article 20 ↔ , provided that such limits do not arbitrarily restrict access to ↔ the provision of legal and procedural information and ↔ legal assistance and or representation;	
(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	Identical
5. € Member States may demand to be reimbursed wholly or partially for any expenses granted if	5. Member States may demand to be reimbursed wholly or partially for any expenses granted if	5. € Member States may demand to be reimbursed wholly or partially for any expenses granted if	Identical

and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.	and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.	and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.	
<i>Article 22</i>	<i>Article 22</i>	<i>Article 22</i>	Agreed to take EP text. See shadow meeting of 8.11.2012, note for the shadows, page 4. <i>Article 22</i>
Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure
1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters	1. Applicants shall be given the opportunity to consult, at their own cost, in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their applications for international protection, at all stages of the	1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters	1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters

relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .	procedure, including following a negative decision.	relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .	relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .
2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V <i>in accordance with national law</i> .	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V in accordance with national law .

<i>Article <u>23</u> 16</i>	<i>Article <u>23</u></i>	<i>Article <u>23</u> 16</i>	Agreed to take the compromise text. See shadow meeting of 8.11.2012, note for the shadows, page 4. <i>Article <u>23</u> 16</i>
Scope of legal assistance and representation	Scope of legal assistance and representation	Scope of legal assistance and representation	Scope of legal assistance and representation
1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection under the terms of national law, shall enjoy access to the information in the applicant's file upon which a decision is or will be made.	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as

the information is relevant to the examination of the application.		the information is relevant to the examination of the application.	the information is relevant to the examination of the application.
<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for</u> of ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications for international protection by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, Member States shall:</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for</u> of ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for</u> of ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>
(a) grant access to the	(a) grant access to the	(a) ➡ <u>make access to</u>	(a) ➡ <u>make access</u>

<p>information or sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection;</p>	<p>information or sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection;</p>	<p>the information or sources in question available to the authorities referred to in Chapter V; ☹ ☹ [...] ☹</p>	<p>to the information or sources in question available to the authorities referred to in Chapter V; ☹ ☹ [...] ☹, and</p>
<p><u>(b)</u> ☒ make ☒ access to the information or sources in question shall be available to the authorities referred to in Chapter V, except</p>	<p>(b) make access to the information or sources in question available to the authorities referred to in Chapter V.</p>	<p><u>(b)</u> ☹ establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect,</p>	<p><u>(b)</u> ☹ establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect,</p>

<p>where such access is precluded in cases of national security.</p>		<p>Member States may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ➡ [...] ➡;</p>	<p>Member States may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ➡ [...] ➡;</p>
<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ➡, in accordance with Article 10(4) and Article</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with Article 10(4) and Article 18(2)(b) and (c) of</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ➡, in accordance with Article 10(4) and Article</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ➡, in accordance with Article 10(4) and Article</p>

<p>18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p> <p>Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>	<p>Directive [.../.../EU] [the Reception Conditions Directive].</p>	<p>18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p> <p>Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>	<p>18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p> <p>Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>
<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law, <i>or a qualified professional.</i></p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p> <p>Member States may stipulate that the legal</p>

			adviser or other counsellor may only intervene at the end of the interview.
4. <u>2</u> Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .	4. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article 25(1)(b).	4. <u>2</u> Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .	4. <u>2</u> Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .
4. Member States may provide that the applicant is allowed to bring with him/her to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.		4. Member States may provide that the applicant is allowed to bring with him/her to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.	
Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or

counsellor, and may require the applicant to respond in person to the questions asked.	counsellor, and may require the applicant to respond in person to the questions asked.	counsellor, and may require the applicant to respond in person to the questions asked. ➡ They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview. ⬅	counsellor, and may require the applicant to respond in person to the questions asked. ➡ They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview. ⬅
The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without prejudice to Article 25(1)(b) ⬅.	The absence of a legal adviser or other counsellor shall not prevent the <i>determining</i> authority from conducting the personal interview with the applicant, without prejudice to Article 25(1)(b).	The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without prejudice to Article 25(1)(b) ⬅.	The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without prejudice to Article 25(1)(b) ⬅.

Article 24	Article 24	Article 24	<p>Pending.</p> <p><u>Political red line.</u></p> <p><u>See EP and Presidency suggestions</u></p> <p>Article 24</p>
Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees
<p>1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time. To that end, Member States may use the mechanism provided for in Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive].</p>	<p>1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time, <i>as soon as an application for international protection is lodged</i>. To that end, <i>Member States shall establish procedures in national law with a view to identifying whether the applicant has special needs and indicating the nature of such needs in accordance with Article</i></p>	<p>1. [...] Member States shall [...] endeavour to identify applicants in need of [...] special procedural [...] guarantees before a first instance decision is taken. [...] [...]</p>	<p><u>Presidency suggestion.</u></p> <p>1. [...] Member States shall [...] endeavour to identify applicants in need of [...] special procedural [...] guarantees before a first instance decision is taken. [...] [...]</p> <p><u>EP suggestion</u></p> <p>1. Member States shall</p>

	22 of Directive [...]/.../EU] (the Reception Conditions Directive)].		assess within a reasonable period of time after an application for international protection is made whether the applicant is an applicant in need of special procedural guarantees.
Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	☞ [...] ☞	<u>Presidency suggestion.</u> ☞ [...] ☞
2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available	2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available evidence. Where needed,	2. Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this	<u>Presidency suggestion.</u> Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit

evidence.	they shall be granted time extensions to enable them to submit evidence or take other necessary steps in the procedure.	Directive [...] throughout the duration of the asylum procedure [...].	from the rights and comply with the obligations of this Directive [...] throughout the duration of the asylum procedure [...].
			<p><u>Presidency suggestion.</u></p> <p>2. In order to effectively implement paragraph 1, Member States shall assess whether the applicant is an applicant in need of special procedural guarantees.</p> <p><u>EP suggestion</u></p> <p>2. The assessment referred to in paragraph 1 may be integrated into existing national procedures and/or into the assessment referred to in Article 22 of the Directive (.....)(Reception Conditions) and need not</p>

			take the form of an administrative procedure.
			<p><u>Presidency suggestion</u></p> <p>3. The assessment referred to in paragraph 2 may be integrated into existing national procedures and/or into the assessment referred to in Article 22 of Directive [.../EU](Reception Conditions Directive) and need not take the form of an administrative procedure.</p> <p><u>EP-suggestion</u></p> <p>3. Member States shall ensure that where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the</p>

			rights and comply with the obligations of this Directive throughout the duration of the asylum procedure.
			<u>EP suggestion</u> 4. <i>Member States shall ensure that these special procedural needs are also addressed, in accordance with this Directive, if they become apparent at a later stage of the procedure.¹</i>
In cases where the determining authority considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence,	In cases where the determining authority considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, the	☯ [...] ☯	<u>Presidency suggestion</u> ☯ [...] ☯ Exemptions from Articles 31(6) and 32(2) in Com proposal and

¹ See RCD, Art.22, second subparagraph.

Article 31(6) and Article 32(2) shall not apply.	<p><u>applicant shall be granted sufficient time and relevant support to prepare for a personal interview on the substance of his/her application. <i>Particular attention shall be given to those applicants who did not mention their sexual orientation at the outset.</i></u></p> <p>Article 31(6) and Article 32(2) shall not apply.</p>		maintained by EP: pending.
		☯ [...] ☯	<p><u>Presidency suggestion</u></p> <p>☯ [...] ☯</p>
	<p>3. <i>In accordance with the conditions laid down in Article 19 and 20 applicants with special needs shall enjoy free legal assistance in all procedures provided for in this Directive.</i></p>		Pending.

<i>Article 25 17</i>	<i>Article <u>25</u></i>	<i>Article 25 17</i>	<p>Agreed to take Council compromise text. See follow-up note of 20.11.2012, shadow meeting of 8.11.2012, note for the shadows, page 4 and shadow meeting of 11 October 2012, note I, page 10.</p> <p>Except for issues still pending:</p> <p><u>Political red line.</u></p> <p>1. <u>EP AM in paragraph 4.</u></p> <p>2. <u>EP AM on "most reliable" examination in paragraph 5</u></p> <p>3. <u>Exemptions in paragraph 6</u></p> <p>Article 25 17</p>
Guarantees for unaccompanied minors	Guarantees for unaccompanied minors	Guarantees for unaccompanied minors	Guarantees for unaccompanied minors
<p>1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> 12 <u>and 14</u>, Member States</p>	<p>1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles 14, 15, 16, and 17, Member States shall:</p>	<p>1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> 12 <u>and 14</u>, Member States</p>	<p>Identical</p> <p>1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> 12</p>

shall:		shall:	and 14 , Member States shall
<p>(a) <input checked="" type="checkbox"/> take measures <input checked="" type="checkbox"/> as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor <input checked="" type="checkbox"/> to enable him/her to benefit from the rights and comply with the obligations <input checked="" type="checkbox"/> provided for in this Directive <input checked="" type="checkbox"/> with respect to the examination of the application. <input checked="" type="checkbox"/> The representative shall have the necessary expertise in the field of childcare and shall perform his/her duties in accordance with the principle of the best interests of the child. <input checked="" type="checkbox"/> The <input checked="" type="checkbox"/> This</p>	<p>(a) <i>immediately</i> take measures <input checked="" type="checkbox"/> to ensure that a representative represents and assists the unaccompanied minor to enable him/her to benefit from the rights and obligations provided for in this Directive. <i>The unaccompanied minor shall be informed immediately of the appointment of the representative. In order to establish a level of trust with the unaccompanied minor and to ensure continuity during the procedure, Member States shall ensure that</i></p>	<p>(a) <input checked="" type="checkbox"/> take measures <input checked="" type="checkbox"/> as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor <input checked="" type="checkbox"/> to enable him/her to benefit from the rights and comply with the obligations <input checked="" type="checkbox"/> provided for in this Directive <input checked="" type="checkbox"/> with respect to the examination of the application. <input checked="" type="checkbox"/> The representative <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/> perform his/her duties in accordance with the principle of the best interests of the child <input checked="" type="checkbox"/> <u>and shall have the necessary expertise to that end</u> <input checked="" type="checkbox"/> . <input checked="" type="checkbox"/> The <input checked="" type="checkbox"/> This</p>	<p>(a) take measures as soon as possible to ensure that a representative represents and assists the unaccompanied minor to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive. The unaccompanied minor shall be informed immediately of the appointment of the representative. The representative shall perform his/her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to that end. The person acting as representative shall only be changed when necessary.</p>

<p>representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception Conditions Directive</u>] <u>Article 19</u> of <u>Directive 2003/9/EC</u> of 27 January 2003 laying down minimum standards for the reception of asylum seekers¹;</p>	<p><i>the same representative is responsible for the unaccompanied minor, if possible during the entire procedure.</i></p> <p>The representative shall <i>be independent and impartial</i>, have the necessary expertise in the field of childcare, <i>a basic knowledge in asylum procedure</i> and shall perform his/her duties in accordance with the principle of the best interests of the child. The representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception</u></p>	<p>representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception Conditions Directive</u>] <u>Article 19</u> of <u>Directive 2003/9/EC</u> of 27 January 2003 laying down minimum standards for the reception of asylum seekers²;</p>	<p>Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. The representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception Conditions Directive</u>].”</p>
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¹ ~~OJL 31, 6.2.2003, p. 18.~~

² ~~OJL 31, 6.2.2003, p. 18.~~

	Conditions Directive];		
<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that allow ☒ a the representative</p> <p>⇒ and/or a legal adviser or other counsellor admitted as such under national law are to be present at that interview and ⇒ have an opportunity ⇐ to</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall ensure that a representative and/or a legal adviser or other counsellor admitted as such under national law or qualified professional are present at that interview and have an opportunity to</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that allow ☒ a the representative</p> <p>⇒ and/or a legal adviser or other counsellor admitted as such under national law are to be present at that interview</p>	<p>Identical</p>

ask questions or make comments, within the framework set by the person who conducts the interview.	ask questions or make comments, within the framework set by the person who conducts the interview.	ask questions or make comments, within the framework set by the person who conducts the interview.	and ⇒ have an opportunity ⇐ to ask questions or make comments, within the framework set by the person who conducts the interview.
Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Identical Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.
2. Member States may refrain from appointing a representative where the unaccompanied minor: <u>(a)</u> will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is taken or	■	2. Member States may refrain from appointing a representative where the unaccompanied minor: <u>(a)</u> will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is taken or	2. Member States may refrain from appointing a representative where the unaccompanied minor: <u>(a)</u> will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is taken or
(b) can avail himself, free of charge, of a legal adviser or other counsellor,		(b) can avail himself, free of charge, of a legal adviser or other counsellor,	

admitted as such under national law to fulfil the tasks assigned above to the representative, or		admitted as such under national law to fulfil the tasks assigned above to the representative, or	
(c) is married or has been married.		(c) is married or has been married.	
3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.		3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.	
<u>3.4</u> Member States shall ensure that:	3. Member States shall ensure that:	<u>3.4</u> Member States shall ensure that:	<u>3.4</u> Member States shall ensure that:
(a) if an unaccompanied minor has a personal interview on his/her application for	(a) if an unaccompanied minor has a personal interview on his/her application for	(a) if an unaccompanied minor has a personal interview on his/her application for	(a) if an unaccompanied minor has a personal interview on his/her application for





⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇐ 16, ⇐ <u>17</u> , and ⇐ 34 ⇐ <u>12, 13</u> and <u>14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;	international protection as referred to in Articles 14, 15, 16, 17, and 34 that interview is conducted by a person who has the necessary knowledge of the special needs <i>and rights</i> of minors;	⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇐ 16, ⇐ <u>17</u> , and ⇐ 34 ⇐ <u>12, 13</u> and <u>14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;	⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇐ 16, ⇐ <u>17</u> , and ⇐ 34 ⇐ <u>12, 13</u> and <u>14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;
(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining authority on the application of an unaccompanied minor.	(b) an official with the necessary knowledge of the special needs <i>and rights</i> of minors prepares the decision by the determining authority on the application of an unaccompanied minor.	(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining authority on the application of an unaccompanied minor.	(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining authority on the application of an unaccompanied minor.
4. Unaccompanied minors, together with the representative, shall be	4. Unaccompanied minors, together with <i>their appointed</i> representative,	4. Unaccompanied minors, together with the representative, shall be	Pending. 4. Unaccompanied minors,

provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection status provided for in Chapter IV.	shall be provided, free of charge, <i>with respect to all procedures provided for in this Directive</i> , with legal and <i>advice on procedural and legal aspects and representation</i> .	provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection ⇒ [...] provided for in Chapter IV.	together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection ⇒ [...] provided for in Chapter IV.
5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or other relevant evidence, Member States still have doubts concerning the applicant's age. If those doubts persist after the medical examination, Member States shall assume that the applicant	5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant evidence, Member States still have doubts concerning the applicant's age. If those doubts persist after the medical examination, Member States shall assume that the applicant is a minor.	5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or other relevant ⇒ indications ⇐ ⇒ [...] ⇐, Member States ⇒ [...] ⇐ have doubts concerning the applicant's age. If ⇒ [...] ⇐ ⇒ thereafter ⇐	Agreed to take Council text for the first part of paragraph 5. See shadow meeting of 8.11.2012, note for the shadows, page 4. 5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or other relevant ⇒ indications ⇐ ⇒ [...] ⇐, Member

is a minor ⇐.		⇐ [...] ⇐, Member States ⇐ are still in doubt concerning the applicant's age, they ⇐ shall assume that the applicant is a minor ⇐.	States ⇐ [...] ⇐ have doubts concerning the applicant's age. If ⇐ [...] ⇐ thereafter ⇐ ⇐ [...] ⇐, Member States ⇐ are still in doubt concerning the applicant's age, they ⇐ shall assume that the applicant is a minor ⇐.
Any medical examination shall be performed in full respect of the individual's dignity, selecting the less invasive examinations.	Any medical examination shall be performed in full respect of the individual's dignity, selecting <i>the most reliable and</i> the less invasive examinations <i>and carried out by qualified and impartial medical experts.</i>	Any medical examination shall be performed in full respect of the individual's dignity, selecting the ⇐ least ⇐ ⇐ [...] ⇐ invasive ⇐ examination ⇐ ⇐ [...] ⇐.	Pending as to EP compromise amendment: Any medical examination shall be <i>fully reliable and</i> performed in full respect of the individual's dignity, selecting the least invasive examination and carried out by qualified medical professionals..
In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	Identical
(a) unaccompanied minors are	(a) unaccompanied minors are	(a) unaccompanied minors are	Agreed to take Council text. See shadow meeting of 8.11.2012,

<p>informed prior to the examination of their application for ⇒ international protection ⇐ asylum, and in a language which they may reasonably be supposed to understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the application for ⇒ international protection ⇐ asylum, as well as the consequences of refusal on the part of the</p>	<p>informed prior to the examination of their application for international protection, and in a language which they <i>may reasonably be supposed</i> to understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the application for international protection, as well as the consequences of refusal on the part of the unaccompanied</p>	<p>informed prior to the examination of their application for ⇒ international protection ⇐ asylum, and in a language ⇐ <i>that</i> ⇐ ⇐ [...] ⇐ they may reasonably be supposed to understand ⇐ <i>or</i> are reasonably supposed to understand ⇐ , of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the application for ⇒ international protection ⇐ asylum, as well as</p>	<p>note for the shadows, page 4.</p> <p>(a) unaccompanied minors are informed prior to the examination of their application for ⇒ international protection ⇐ asylum, and in a language ⇐ <i>that</i> ⇐ ⇐ [...] ⇐ they may reasonably be supposed to understand ⇐ <i>or</i> are reasonably supposed to understand ⇐ , of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the</p>
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unaccompanied minor to undergo the medical examination;	minor to undergo the medical examination;	the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;	application for ⇒ international protection ⇐ asylum , as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;
(b) unaccompanied minors and/or their representatives consent to early out an examination ☒ being carried out ☒ to determine the age of the minors concerned; and	(b) unaccompanied minors and/or their representatives consent to an examination being carried out to determine the age of the minors concerned; and	(b) unaccompanied minors and/or their representatives consent to early out an examination ☒ being carried out ☒ to determine the age of the minors concerned; and	Identical
(c) the decision to reject an application for ⇒ international protection ⇐ asylum from an unaccompanied minor who refused	(c) the decision to reject an application for international protection from an unaccompanied minor who refused to undergo this	(c) the decision to reject an application for ⇒ international protection ⇐ asylum from an unaccompanied minor who refused	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4 . (c) the decision to reject an application for ⇒ international protection ⇐

to undergo this medical examination shall not be based solely on that refusal.	medical examination shall not be based on that refusal.	to undergo this medical examination shall not be based solely on that refusal.	asylum from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.
The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .	The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.	The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .	Identical
6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	 [...] 	Pending. EP insists on maintaining paragraph 6 of the Commission proposal. <u>Political red line.</u> <u>(UAM and exemption from certain types of procedures)</u>
7.  The best interests of the child shall be a primary consideration for Member States when	7. The best interests of the child shall be a primary consideration for Member States when	7.  The best interests of the child shall be a primary consideration for Member States when	Identical.

implementing this Article.	implementing this Article.	implementing this Article.	
<i>Article <u>26</u> 18</i>	<i>Article 26</i>	<i>Article <u>26</u> 18</i>	
Detention	Detention	Detention	
<p>1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection ↪ asylum. ↪ Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [...]/.../EU [the Reception Conditions Directive] ↪.</p>	<p>1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection. Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [...]/.../EU [the Reception Conditions Directive].</p>	<p>1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection ↪ asylum. ↪ Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [...]/.../EU [the Reception Conditions Directive] ↪.</p>	Identical.
<p>2. Where an applicant for international protection ↪ asylum is held in detention, Member States shall ensure that there is a</p>	<p>2. Where an applicant for international protection is held in detention, Member States shall ensure that there is a possibility of speedy</p>	<p>2. Where an applicant for international protection ↪ asylum is held in detention, Member States shall ensure that there is a</p>	Identical.

possibility of speedy judicial review ⇒ in accordance with Directive [...]/.../EU] [the Reception Conditions Directive] ⇐.	judicial review in accordance with Directive [...]/.../EU] [the Reception Conditions Directive].	possibility of speedy judicial review ⇒ in accordance with Directive [...]/.../EU] [the Reception Conditions Directive] ⇐.	
	<i>Article 26a</i>		
	<i>Detention of minors</i>		Pending. <i>Related to Article 25(6).</i>
	<i>The detention of minors shall be strictly prohibited in all circumstances.</i>		
<i>Article <u>27</u> 19</i>	<i>Article 27</i>	<i>Article <u>27</u> 19</i>	
Procedure in ☒ the ☒ case of withdrawal of the application	Procedure in the case of withdrawal of the application	Procedure in ☒ the ☒ case of withdrawal of the application	
1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant explicitly withdraws his/her	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority takes a decision to either discontinue the examination or reject the application.	application for international protection, Member States shall ensure that the determining authority takes a decision to either discontinue the examination, and <i>explain to the applicant the consequences of the withdrawal.</i>	his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority takes a decision to either discontinue the examination or reject the application.	
2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	Identical
<i>Article 28 29</i>	<i>Article 28</i>	<i>Article 28 29</i>	
Procedure in the case of implicit withdrawal or abandonment of the application	Procedure in the case of implicit withdrawal or abandonment of the application	Procedure in the case of implicit withdrawal or abandonment of the application	
1. When there is reasonable cause to consider that an	1. When there is reasonable cause to consider that an	1. When there is reasonable cause to consider that an	Agreed to take Council text. See shadow meeting of 8.11.2012,

<p>applicant for international protection has implicitly withdrawn or abandoned his/her application for asylum, Member States shall ensure that the determining authority takes a decision to either discontinue the examination or ⇒, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] and further to a personal interview, ⇒ reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC.</p>	<p>applicant for international protection has implicitly withdrawn or abandoned his/her application <i>without reasonable cause,</i> Member States shall ensure that the determining authority takes a decision to either discontinue the examination or, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] and further to a personal interview, reject the application, <i>if he/she in the addition to the above-mentioned reasons:</i></p> <ul style="list-style-type: none"> – <i>has refused to cooperate, or</i> – <i>has absconded</i> 	<p>applicant for international protection has implicitly withdrawn or abandoned his/her application for asylum, Member States shall ensure that the determining authority takes a decision to either discontinue the examination or ⇒, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] ⇒ [...], ⇒ ⇒ [...] reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC. ⇒ [...]</p>	<p>note for the shadows, page 4, Shadow meeting of 11 October 2012, Note I, point A and follow-up note of 20.11.2012.</p>
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	<p><i>illegally, or</i></p> <ul style="list-style-type: none"> – <i>in all likelihood has no right to international protection, or</i> – <i>originates from or has transited via a safe third country in accordance with Article 38.</i> 		
Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for ⇒ international protection ⇐ asylum in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for ⇒ international protection ⇐ asylum in particular when it is ascertained that:	Identical.
(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [...] /E U] [the <u>Qualification</u>	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [...] /E U] [the <u>Qualification</u>	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [...] /E U] [the <u>Qualification</u>	Identical.

<p>Directive] 2004/83/EC or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 12, 13 and 14 of this Directive, unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/her control;</p>	<p>Directive] or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 of this Directive, unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/her control;</p>	<p>Directive] 2004/83/EC or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 12, 13 and 14 of this Directive, unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/her control;</p>	
<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or</p>	<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or</p>	<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or</p>	<p>EP compromise suggestion combined with Article 46(6)(c). See also follow-up note of 20.11.2012:</p> <p>"he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate</p>

other obligations to communicate.	other obligations to communicate.	other obligations to communicate.	<i>unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/her control."</i> .
For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	Identical.
2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ ; unless the request is examined in accordance with Articles 32 and 34.	2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41. <i>Only one request for a case to be reopened may be submitted during an asylum procedure.</i>	2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ ; unless the request is examined in accordance with Articles 32 and 34.	Pending. Technical group suggests taking Council text. However, the time limit of at least 6 months is pending and is to be seen in the context of effective remedies.
Member States may		Member States may	Pending. (period)





provide for a time limit ⇒ of at least one year ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41 ⇐.		provide for a time limit ⇒ of at least 6 months ⇐ ⇒ [...] ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41. ⇐ Member States may provide that the applicant's case may be reopened only once. ⇐.	Political red line.
Member States shall ensure that such a person is not removed contrary to the principle of non- <i>refoulement</i> .	Member States shall ensure that such a person is not removed contrary to the principle of non- <i>refoulement</i> .	Member States shall ensure that such a person is not removed contrary to the principle of non- <i>refoulement</i> .	Identical.
Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	Identical.
3. This Article shall be without prejudice to Regulation (EU) No	3. This Article shall be without prejudice to Regulation (EU) No	⇒ [...] ⇐	Pending (Dublin issue).

[.../...] [the Dublin Regulation].	[.../...] [the Dublin Regulation].		
<i>Article 29</i>	<i>Article <u>29</u></i>	<i>Article 29</i>	
The role of UNHCR	The role of UNHCR	The role of UNHCR	
1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	Identical.
(a) to have access to applicants for international protection ⇐ asylum , including those in detention ⇐, at the border and ⇐ in the ✕ and in airport or port transit zones;	(a) to have access to applicants for international protection, including those in detention, at the border and in the transit zones;	(a) to have access to applicants for international protection ⇐ asylum , including those in detention ⇐, at the border and ⇐ in the ✕ and in airport or port transit zones;	Identical.
(b) to have access to information on individual applications for international protection ⇐ asylum , on the course of the procedure and on the decisions	(b) to have access to information on individual applications for international protection, on the course of the procedure and on the decisions taken, provided	(b) to have access to information on individual applications for international protection ⇐ asylum , on the course of the procedure and on the decisions	Identical.

taken, provided that the applicant for asylum agrees thereto;	that the applicant agrees thereto;	taken, provided that the applicant for asylum agrees thereto;	
(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for ⇒ international protection ⇐ asylum at any stage of the procedure.	(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for international protection at any stage of the procedure.	(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for ⇒ international protection ⇐ asylum at any stage of the procedure.	Identical.
2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	Identical.

<i>Article <u>30</u> 22</i>	<i>Article <u>30</u></i>	<i>Article <u>30</u> 22</i>	
Collection of information on individual cases	Collection of information on individual cases	Collection of information on individual cases	
For the purposes of examining individual cases, Member States shall not:	For the purposes of examining individual cases, Member States shall not:	For the purposes of examining individual cases, Member States shall not:	Identical.
(a) directly disclose information regarding individual applications for ⇒ international protection ⇐ asylum , or the fact that an application has been made, to the alleged actor(s) of persecution ⇒ or serious harm ⇐ of the applicant for asylum ;	(a) disclose information regarding individual applications for international protection, or the fact that an application has been made, to the alleged actor(s) of persecution or serious harm;	(a) directly disclose information regarding individual applications for ⇒ international protection ⇐ asylum , or the fact that an application has been made, to the alleged actor(s) of persecution ⇒ or serious harm ⇐ of the applicant for asylum ;	Identical.
(b) obtain any information from the alleged actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that an application has been made by the applicant in question,	(b) obtain any information from the alleged actor(s) of persecution or serious harm in a manner that would result in such actor(s) being ■ informed of the fact that an application has been made by the applicant in question, and would	(b) obtain any information from the alleged actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that an application has been made by the applicant in question,	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.	jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.	and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.	
CHAPTER III	CHAPTER III	CHAPTER III	
PROCEDURES AT FIRST INSTANCE	PROCEDURES AT FIRST INSTANCE	PROCEDURES AT FIRST INSTANCE	
SECTION I	SECTION I	SECTION I	
<i>Article <u>31</u> 22</i>	<i>Article <u>31</u></i>	<i>Article <u>31</u> 22</i>	
Examination procedure	Examination procedure	Examination procedure	
1. Member States shall process applications for ⇒ international protection ⇐ asylum in an examination procedure in accordance with the basic principles and guarantees of	1. Member States shall process applications for international protection in an examination procedure in accordance with the basic principles and guarantees of Chapter II.	1. Member States shall process applications for ⇒ international protection ⇐ asylum in an examination procedure in accordance with the basic principles and guarantees of	Identical.

Chapter II.		Chapter II.	
2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination  and within six months after the application is lodged  .	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
		 In cases in which an application is subject to the procedure laid down in Regulation (EU) [.../...] [the Dublin Regulation], the time limit of six months shall start to run from the moment the Member State responsible for its examination is determined in conformity with that Regulation, the applicant is on the territory of that Member State and has been taken in charge by the competent authority.  .	

3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. [...]	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
Member States may extend that time limit for a period not exceeding a further six months, where:	Member States may extend that time limit for a period not exceeding a further six months, where:	[...] Member States may extend that [...] of [...] time limit of six months for a period not exceeding a further twelve months, where:	Pending. <u>Political red line.</u> <u>(time-limits for the examination and prolongation of the procedure)</u>
(a) complex issues of fact and law are involved;	(a) complex issues of fact and law are involved;	(a) complex issues of fact and /or law are involved;	Agreed to take Council text. See shadow meeting of 11 October 2012, note I, page 10.
(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it very difficult [...] in practice to conclude the	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4 and shadow meeting of 11 October 2012 note I page 10. Pending. <u>Political red line.</u> <u>(Derogatory provisions in case of large-scale arrivals)</u>

the six-month time-limit;	the six-month time-limit, <i>subject to the notification to the Commission;</i>	procedure within the six-month time-limit;	<p><i>Related to Article 49.</i></p> <p><u>EP proposes to insert in the Articles 6(4), 14(1) and 31(3) an obligation for MS to communicate certain information to the Commission.</u></p> <p><u>EP compromise suggestion:</u></p> <p>(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within the six-month time-limit, <i>subject to the notification to communication to the Commission including the grounds for applying this exception;</i></p>
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(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	Identical.
Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.	■ .	Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.	<p>Pending.</p> <p>EP compromise suggestion <i>Related to Recital 29a</i></p> <p><i>(d) there is a situation of uncertainty in the country of origin which is expected to be temporary and without prejudice to Article 13 and 18 [Qualification Directive]. In such a case, Member States shall, within six months of the lodging of the application and at three-monthly intervals thereafter, conduct a review of that situation. If they consider that there is no longer a situation of uncertainty, Member States shall conclude the procedure.</i></p> <p><u>Political red line.</u></p> <p><u>(time-limits for the examination</u></p>

			<u>and prolongation of the procedure)</u>
<u>4.</u> Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall either:	4. Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall:	<u>4.</u> Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall either:	Identical.
(a) be informed of the delay; ⇨ and ⇩ or	(a) be informed of the delay; and	(a) be informed of the delay; ⇨ and ⇩ or	Identical.
(b) receive, upon his/her request, information on the ⇨ reasons for the delay and the ⇩ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant concerned to take a decision within that time-frame.	(b) receive, upon his/her request, information on the reasons for the delay and the time-frame within which the decision on his/her application is to be expected.	(b) receive, upon his/her request, information on the ⇨ reasons for the delay and the ⇩ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant concerned to take a decision within that time-frame.	Identical.

The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in accordance with national law.	The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in accordance with national law.	☞ [...] ☛	Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
<u>5. 2</u> Member States may prioritise or accelerate any an examination ⇒ of an application for international protection ⇐ in accordance with the basic principles and guarantees of Chapter II, including where the application is likely to be well founded or where the applicant has special needs;	5. <i>The determining authorities</i> may prioritise an examination of an application for international protection in accordance with the basic principles and guarantees of Chapter II:	<u>5. 2</u> Member States may prioritise or accelerate any an examination ⇒ of an application for international protection ⇐ in accordance with the basic principles and guarantees of Chapter II ☞ in particular ☛, including where the application is likely to be well founded or where the applicant has special needs;	Agreed to take Council text. See follow-up note of 20.11.2012..
(a) where the application is likely to be well founded;	(a) where the application is likely to be well founded;	(a) where the application is likely to be well founded;	Identical.
(b) where the applicant is vulnerable within the meaning	(b) where the applicant is vulnerable within the meaning	(b) where the applicant is vulnerable within the meaning	Identical.

of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors;	of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors;	of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors.	
(c) in other cases with the exception of applications referred to in paragraph 6.	(c) in other cases with the exception of applications referred to in paragraph 6.	⇒ [...] ⇐.	Agreed to take Council text. See follow-up note of 20.11.2012. <i>If EP compromise texts on Article 31(7), Recitals 16a and 16b are accepted.</i>
<u>6. 4</u> Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with Article 43 ⇐ if:	6. Member States may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated and/or conducted at the border in accordance with Article 43 if:	<u>6. 4</u> Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with Article 43 ⇐ if:	It has been agreed to accept the Council text. See shadow meeting of 11 October 2012, note I, point B.2.
(a) the applicant, in	(a) the applicant, in	(a) the applicant, in	


submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee ⇨ or a person eligible for subsidiary protection ⇨ by virtue of Directive [...]/.../EU] [the <u>Qualification Directive</u> <u>2004/83/EC</u> ; or	submitting his/her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU] [the Qualification Directive]; or	submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee ⇨ or a person eligible for subsidiary protection ⇨ by virtue of Directive [...]/.../EU] [the <u>Qualification Directive</u> <u>2004/83/EC</u> ; or	
	<i>aa) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive [...]/.../EU] [the Qualification Directive]; or</i>		
(b) the applicant		(b) the applicant	

clearly does not qualify as a refugee or for refugee status in a Member State under Directive 2004/83/EC; or		clearly does not qualify as a refugee or for refugee status in a Member State under Directive 2004/83/EC; or	
(c) the application for asylum is considered to be unfounded;		(c) the application for asylum is considered to be unfounded;	
(b) i) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u> or	(b) the applicant is from a safe country of origin within the meaning of this Directive	(b) i) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u> or	
(ii) because the country which is not a Member State, is considered to be a safe third country for the applicant, without		(ii) because the country which is not a Member State, is considered to be a safe third country for the applicant, without	

prejudice to Article 28(1); or		prejudice to Article 28(1); or	
(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	
		☐ [...] ☐	
(c) the applicant has filed another application for asylum stating other personal data; or		(c) the applicant has filed another application for asylum stating other personal data; or	
(d) the applicant has not produced information	(d) it is likely that, in bad faith, the applicant has	(d) the applicant has not produced information	

<p>establishing with a reasonable degree of certainty his/her identity or nationality, or it is likely that, in bad faith, <input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or</p>	<p>destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or</p>	<p>establishing with a reasonable degree of certainty his/her identity or nationality, or it is likely that, in bad faith, <input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or</p>	
<p>(e) the applicant has made inconsistent, contradictory, <input checked="" type="checkbox"/> clearly false or obviously <input checked="" type="checkbox"/> improbable or insufficient representations <input checked="" type="checkbox"/> which contradict sufficiently verified country-of-origin information, <input checked="" type="checkbox"/> thus making <input checked="" type="checkbox"/> which</p>	<p>(e) the applicant has made clearly false, <i>inconsistent, contradictory</i> or improbable, <i>insufficient</i> representations <i>making</i> his/her claim <i>plainly</i> unconvincing in relation to whether he/she qualifies as a refugee or a person eligible for subsidiary</p>	<p>(e) the applicant has made <input checked="" type="checkbox"/> clearly <i>inconsistent and contradictory,</i> <input checked="" type="checkbox"/> inconsistent, contradictory, <input checked="" type="checkbox"/> clearly false or obviously <input checked="" type="checkbox"/> improbable or insufficient representations <input checked="" type="checkbox"/> which contradict sufficiently verified country-of-origin</p>	


<p>make his/her claim clearly unconvincing in relation to ⇒ whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of his/her having being the object of persecution referred to in <u>Directive [...]/.../EU</u> [the Qualification Directive] <u>Directive 2004/83/EC</u>; or</p>	<p>protection by virtue of Directive [...]/.../EU [the Qualification Directive]; or</p>	<p>information, ⇐ ⊗ thus making ⊗ which make his/her claim clearly unconvincing in relation to ⇒ whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of ⇐ his/her having being the object of persecution referred to in <u>Directive [...]/.../EU</u> [the Qualification Directive] <u>Directive 2004/83/EC</u>; or</p>	
	<p>(g) <i>the applicant has submitted a subsequent application which clearly does not raise any relevant new elements with respect to his/her</i></p>	<p>➡ (e1) The applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with</p>	

	<i>particular circumstances or to the situation in his/her country of origin; or</i>	<u>Article 40(5); or</u> 	
	<i>(h) the applicant has failed without reasonable cause to make his/her application earlier, having had opportunity to do so; or</i>		
(h) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or		(h) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or	
(i) the applicant has failed without reasonable cause to make his/her		(i) the applicant has failed without reasonable cause to make his/her	

application earlier, having had opportunity to do so; or		application earlier, having had opportunity to do so; or	
(f) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or	(f) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or	(f) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or	
(k) the applicant has failed without good reason to comply with obligations referred to in Article 4(1) and (2) of Directive 2004/83/EC or in Articles 11(2)(a) and (b) and 20(1) of this Directive; or		(k) the applicant has failed without good reason to comply with obligations referred to in Article 4(1) and (2) of Directive 2004/83/EC or in Articles 11(2)(a) and (b) and 20(1) of this Directive; or	
(l) the applicant entered the territory of the Member State		(l) the applicant entered the territory of the Member State	

<p>unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</p>		<p>unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</p>	
	<p>(j) <i>the applicant has failed without good reason to comply with his/her obligations to cooperate in the examination of the facts of his/her case and the establishment of his/her identity referred to in Article 4(1) and (2) of Directive [...]/.../EU [the Qualification Directive] or in Article 12(1) and</i></p>		

	<i>(2)(a), (b) and (c) and Article 25(1) of this Directive; or</i>		
	<i>(k) the applicant entered the territory of the Member State unlawfully or extended his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</i>	<div> <div></div> <div>(f1) the applicant entered the territory of the Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</div> <div></div> </div>	
		<div> <div></div> <div>(f2) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with Regulation (EU) [.../...]</div> <div>EURODAC</div> </div>	

		Regulation], or 	
(g iii) the applicant ⇒ may for serious reasons be considered is a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or and public order under national law. or	(g) the applicant may for serious reasons be considered a danger to the national security of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.	(g iii) the applicant ⇒ may for serious reasons be considered is a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or and public order under national law. or	
(n) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with relevant Community and/or national legislation; or		(n) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with relevant Community and/or national legislation; or	
(e) the application was made by an unmarried minor to		(e) the application was made by an unmarried minor to	

<p>whom Article 6(4)(e) applies, after the application of the parents or parent responsible for the minor has been rejected and no relevant new elements were raised with respect to his/her particular circumstances or to the situation in his/her country of origin.</p>		<p>whom Article 6(4)(e) applies, after the application of the parents or parent responsible for the minor has been rejected and no relevant new elements were raised with respect to his/her particular circumstances or to the situation in his/her country of origin.</p>	
<p>7. Member States shall lay down reasonable time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 which ensure adequate and complete examination.</p>	<p>7. Member States shall lay down reasonable time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 which ensure adequate and complete examination.</p>	<p>7. Member States ☞ may ☞ ☞ [...] ☞ lay down ☞ [...] ☞ time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 ☞ [...] ☞. ☞ Those time limits shall be reasonable. ☞</p>	<p>Pending.</p> <p>EP compromise text:</p> <p>Member States <i>shall</i> lay down time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6. Those time limits shall be reasonable.</p> <p><i>Without prejudice to Article 31(3), Member States may exceed those time limits where it is necessary in order to ensure an adequate and complete examination of the application</i></p>

			<i>for international protection.</i> <i>Related to Recitals 16a and 16b.</i>
8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents or use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents <i>on entry</i> or <i>the</i> use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, ☉ [...] ☾ shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	Pending.
Article 24		Article 24	
Specific procedures		Specific procedures	
1. Member States may provide for the following specific procedures derogating from the basic principles and guarantees of Chapter II:		1. Member States may provide for the following specific procedures derogating from the basic principles and guarantees of Chapter II:	

(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;		(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;	
(b) procedures for the purposes of processing cases considered within the framework set out in Section V.		(b) procedures for the purposes of processing cases considered within the framework set out in Section V.	
2. Member States may also provide a derogation in respect of Section VI.		2. Member States may also provide a derogation in respect of Section VI.	
<i>Article 32</i>	<i>Article 32</i>	<i>Article 32</i>	
Unfounded applications	Unfounded applications	Unfounded applications	
1. Without prejudice to Articles 27 19 and 20 , Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does	1. Member States may only consider an application as unfounded if the determining authority has established that the applicant does not qualify for international protection status	1. Without prejudice to Articles 27 19 and 20 , Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [.../.../EU] [the <u>Qualification Directive</u>] <u>2004/83/EC</u> .	pursuant to Directive [.../.../EU] [the <u>Qualification Directive</u>].	not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [.../.../EU] [the <u>Qualification Directive</u>] <u>2004/83/EC</u> .	
2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article 31(6) ⇒ (a) to (f) ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national legislation.	2. In cases of unfounded applications in which any of the circumstances listed in Article 31(6) (a) to (f) apply, Member States may also consider an application as manifestly unfounded, <u>following an adequate and complete examination.</u>	2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article 31(6) ⇒ [...] ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national legislation.	Agreed to take Council text. See follow-up note of 20.11.2012.
SECTION II	SECTION II	SECTION II	
<i>Article <u>33</u> 25</i>	<i>Article <u>33</u></i>	<i>Article <u>33</u> 25</i>	
Inadmissible applications	Inadmissible applications	Inadmissible applications	
1. In addition to cases in which an application is	1. In addition to cases in which an application is	1. In addition to cases in which an application is	Identical.

<p>not examined in accordance with Regulation (EU) No [.../...] [the Dublin Regulation] (EC) No 343/2003, Member States are not required to examine whether the applicant qualifies ⇨ for international protection ⇨ as a refugee in accordance with Directive [.../.../EU] [the Qualification Directive] 2004/83/EC where an application is considered inadmissible pursuant to this Article.</p>	<p>not examined in accordance with Regulation (EU) No [.../...] [the Dublin Regulation], Member States are not required to examine whether the applicant qualifies for international protection in accordance with Directive [.../.../EU] [the Qualification Directive] where an application is considered inadmissible pursuant to this Article.</p>	<p>not examined in accordance with Regulation (EU) No [.../...] [the Dublin Regulation] (EC) No 343/2003, Member States are not required to examine whether the applicant qualifies ⇨ for international protection ⇨ as a refugee in accordance with Directive [.../.../EU] [the Qualification Directive] 2004/83/EC where an application is considered inadmissible pursuant to this Article.</p>	
<p>2. Member States may consider an application for ⇨ international protection ⇨ asylum as inadmissible ⇨ only ⇨ pursuant to this Article if:</p>	<p>2. Member States may consider an application for international protection as inadmissible only if:</p>	<p>2. Member States may consider an application for ⇨ international protection ⇨ asylum as inadmissible ⇨ only ⇨ pursuant to this Article if:</p>	<p>Identical.</p>
<p>(a) another Member State has granted refugee status;</p>	<p>(a) another Member State has granted refugee status;</p>	<p>(a) another Member State has granted ⇨ international protection ⇨ ⇨ [...] ⇨;</p>	<p>Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article <u>35</u> 26 ;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article <u>35</u> 26 ;	Identical.
(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article <u>38</u> 27 ;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article <u>38</u> 27 ;	Identical.
(d) the applicant is allowed to remain in the Member State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;		(d) the applicant is allowed to remain in the Member State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;	

<p>(e) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);</p>		<p>(e) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);</p>	
<p>(<u>d</u> f) ⇒ the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been</p>	<p>d) the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been</p>	<p>(<u>d</u> f) ⇒ the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been</p>	<p>Identical.</p>

presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;	presented by the applicant ;	presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;	
(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article 7(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	Identical.

<i>Article 34</i>	<i>Article 34</i>	<i>Article 34</i>	<p>Article 34 (1) (2) has been accepted as a compromise.</p> <p>See shadow meeting of 11 October 2012, note I, point A.1.</p> <p><i>Article 34</i></p>
Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview
<p>1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in accordance with Article 42 in the case of a</p>	<p>1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, <i>the determining authority</i> shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in accordance with Article</p>	<p>1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in accordance with Article 42 in the case of a</p>	<p>1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible by the determining authority is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in</p>

subsequent application.	42 in the case of a subsequent application.	subsequent application.	accordance with Article 42 in the case of a subsequent application. This paragraph shall be without prejudice to Article 4(2)(a).
			<p>2. Member States may provide that the personnel of other authorities than the determining authority conducts the personal interview on the admissibility of the application for international protection. In such cases, Member States shall ensure that the personnel of those authorities who conduct the interview receive in advance the necessary basic training in particular with respect to international human rights law, the EU asylum acquis and interview techniques.</p>

2. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].	2. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].	☞ [...] ☛	☞ [...] ☛ Pending (Dublin issue)
3. Member States shall ensure that the person who conducts the interview on the admissibility of the application does not wear a military or law enforcement uniform.	3. Member States shall ensure that the <i>member of staff of the determining authority</i> who conducts the interview on the admissibility of the application does not wear a uniform		☞ [...] ☛ Agreed to take Council text (shadow meeting 20.9.2012)
SECTION III	SECTION III	SECTION III	
<i>Article <u>35</u> 26</i>	<i>Article 35</i>	<i>Article <u>35</u> 26</i>	.
The concept of first country of asylum	The concept of first country of asylum	The concept of first country of asylum	
A country can be considered to be a first country of asylum for a particular applicant for	A country can be considered to be a first country of asylum for a particular applicant for	A country can be considered to be a first country of asylum for a particular applicant for	Identical.

⇒ international protection ⇐ asylum if:	international protection if:	⇒ international protection ⇐ asylum if:	
(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	Identical.
(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement,	(b) he/she otherwise enjoys effective protection in that country, including benefiting from the principle of non-refoulement,	(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement,	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.
provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	Identical.
In applying the concept of first country of asylum to the particular circumstances of an applicant for ⇒ international protection ⇐ asylum, Member States may take into account Article 38(1) <u>27(1)</u> . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	In applying the concept of first country of asylum to the particular circumstances of an applicant for international protection, Member States shall take into account Article 38(1). The applicant shall be allowed to challenge the application of the first country of asylum concept on the grounds that the first country of asylum in question is not safe in his or her particular case.	In applying the concept of first country of asylum to the particular circumstances of an applicant for ⇒ international protection ⇐ asylum, Member States may take into account Article 38(1) <u>27(1)</u> . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.

Article 27		Com proposal	
The safe third country concept			
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking asylum will be treated in accordance with the following principles in the third country concerned:			
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;			
(b) the principle of non-refoulement in accordance with the Geneva Convention is			

respected;			
(e) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and			
(d) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.			
2. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:			
(a) rules requiring a connection			

<p>between the person seeking asylum and the third country concerned on the basis of which it would be reasonable for that person to go to that country;</p>			
<p>(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include ease-by-ease consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be</p>			

generally safe;			
(e) rules in accordance with international law, allowing an individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment.			
3. When implementing a decision solely based on this Article, Member States shall:			
(a) inform the			

applicant accordingly; and			
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.			
4. Where the third country does not permit the applicant for asylum to enter its territory, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.			
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this			

Article			
Article 28		Commission proposal	
Unfounded applications			
1. Without prejudice to Articles 19 and 20, Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does not qualify for refugee status pursuant to Directive 2004/83/EC.			
2. In the cases mentioned in Article 23(4)(b) and in cases of unfounded applications for asylum in which any of the circumstances listed in Article 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national			

legislation			
Article 29		Commission proposal	
Minimum common list of third countries regarded as safe countries of origin			
1. The Council shall, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt a minimum common list of third countries which shall be regarded by Member States as safe countries of origin in accordance with Annex II.			
2. The Council may, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, amend the minimum common list by adding			

<p>or removing third countries, in accordance with Annex II. The Commission shall examine any request made by the Council or by a Member State to submit a proposal to amend the minimum common list.</p>			
<p>3. When making its proposal under paragraphs 1 or 2, the Commission shall make use of information from the Member States, its own information and, where necessary, information from UNHCR, the Council of Europe and other relevant international organisations.</p>			
<p>4. Where the Council requests the Commission to submit a proposal for removing a third country from the minimum common list, the obligation of Member States pursuant to</p>			

Article 31(2) shall be suspended with regard to this third country as of the day following the Council decision requesting such a submission.			
5. Where a Member State requests the Commission to submit a proposal to the Council for removing a third country from the minimum common list, that Member State shall notify the Council in writing of the request made to the Commission. The obligation of this Member State pursuant to Article 31(2) shall be suspended with regard to the third country as of the day following the notification to the Council.			
6. The European Parliament shall be informed of the suspensions under paragraphs 4 and 5.			

<p>7. The suspensions under paragraphs 4 and 5 shall end after three months, unless the Commission makes a proposal before the end of this period, to withdraw the third country from the minimum common list. The suspensions shall in any case end where the Council rejects a proposal by the Commission to withdraw the third country from the list.</p>			
<p>8. Upon request by the Council, the Commission shall report to the European Parliament and the Council on whether the situation of a country on the minimum common list is still in conformity with Annex II. When presenting its report, the Commission may make such recommendations or proposals as it deems appropriate.</p>			

<i>Article 30</i>			
National designation of third countries as safe countries of origin		Commission proposal	
1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex II, for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum. This may include designation of part of a country as safe where the conditions in Annex II are fulfilled in relation to that part.			
2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that			

allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum where they are satisfied that persons in the third countries concerned are generally neither subject to:			
(a) persecution as defined in Article 9 of Directive 2004/83/EC; nor			
(b) torture or inhuman or degrading treatment or punishment.			
3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of			

persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.			
4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.			
5. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, the UNHCR, the Council of Europe and other relevant international organisations.			

6. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.			
<i>Article 36 31</i>	■	<i>Article 36 31</i>	
The safe country of origin concept	■	The safe country of origin concept	Pending. <u>Political red line.</u>
1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant for asylum only if:	■	1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant for asylum only if:	
(a) he/she has the nationality of that	■	(a) he/she has the nationality of that	

country; or		country; or	
(b) he/she is a stateless person and was formerly habitually resident in that country;	■	(b) he/she is a stateless person and was formerly habitually resident in that country;	
and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive [...] /EU [the Qualification Directive] 2004/83/EC.	■	and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive [...] /EU [the Qualification Directive] 2004/83/EC.	
2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.		2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.	

2. 2 Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.	█	2. 2 Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.	
<i>Article 37</i>	█	<i>Article 37</i>	
National designation of third countries as safe countries of origin	█	National designation of third countries as safe countries of origin	Pending. <u>Political red line.</u>
1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex I II , for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a	█	1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex II , for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a	

country as safe where the conditions in Annex II are fulfilled in relation to that part.		country as safe where the conditions in Annex II are fulfilled in relation to that part.	
2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum where they are satisfied that persons in the third countries concerned are generally neither subject to:		2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum where they are satisfied that persons in the third countries concerned are generally neither subject to:	
(a) persecution as defined in Article 9 of Directive 2004/83/EC; nor		(a) persecution as defined in Article 9 of Directive 2004/83/EC; nor	
(b) torture or inhuman or degrading treatment or punishment.		(b) torture or inhuman or degrading treatment or punishment.	

<p>3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>		<p>3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>	
<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>		<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>	
<p>2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with</p>		<p>2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with</p>	

this Article.		this Article.	
<p><u>3.</u> 5. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇨ the European Asylum Support Office, ⇨ the UNHCR, the Council of Europe and other relevant international organisations.</p>		<p><u>3.</u> 5. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇨ the European Asylum Support Office, ⇨ the UNHCR, the Council of Europe and other relevant international organisations.</p>	
<p><u>4.</u> 6. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.</p>		<p><u>4.</u> 6. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.</p>	

<i>Article 38</i>	<i>Article 38</i>	<i>Article 38</i>	
The safe third country concept	The safe third country concept [First deleted, but reintroduced under European safe third country concept (old Article 37)]	The safe third country concept	Pending. <u>Political red line.</u>
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	1. <i>A third country may only be considered as a safe third country where</i> a person seeking international protection will be treated in accordance with the following principles and conditions in the third country concerned:	1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	

(b) there is no risk of serious harm as defined in Directive [...]/.../EU [the Qualification Directive];	(b) there is no risk of serious harm as defined in Directive [...]/.../EU [the Qualification Directive];	(b) there is no risk of serious harm as defined in Directive [...]/.../EU [the Qualification Directive];	
(c <u>b</u>) the principle of non-refoulement in accordance with the Geneva Convention is respected;	(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;	(c <u>b</u>) the principle of non-refoulement in accordance with the Geneva Convention is respected;	
(d <u>e</u>) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and	(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected;	(d <u>e</u>) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and	
(e <u>d</u>) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in	(e) the possibility exists to request refugee status <i>or another complementary form of protection</i>	(e <u>d</u>) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in	

accordance with the Geneva Convention.	<i>comparable to that granted under Directive [.../.../EU] [the Qualification Directive] and, if granted such status or protection, to receive protection comparable to that afforded under that Directive;</i>	accordance with the Geneva Convention.	
	(f) <i>it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</i>		
	(g) <i>it has in place an asylum procedure prescribed by law; and</i>		
	(h) <i>it has been so designated by the European Parliament and the Council in accordance with</i>		

	<i>paragraph 2.</i>		
	2. <i>The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.</i>		
2. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:	3. <u>The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and rules requiring:</u>	2. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:	
(a) rules requiring a connection between the person seeking ⇒ international protection ⇐ asylum and the third country concerned on the basis of which it	(a) a connection between the person seeking international protection and the third country concerned on the basis of which it would be reasonable for that	(a) rules requiring a connection between the person seeking ⇒ international protection ⇐ asylum and the third country concerned on the basis of which it	

would be reasonable for that person to go to that country;	person to go to that country;	would be reasonable for that person to go to that country;	
(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be generally safe;	(b) methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant ;	(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be generally safe;	
(c) rules in accordance with international law, allowing an	(c) rules in accordance with international law, allowing an	(c) rules in accordance with international law, allowing an	

<p>individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that</p> <p>⇒ that the third country is not safe in his/her particular circumstances ⇐</p> <p>he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment.</p> <p>⇒ The applicant shall also be allowed to challenge the existence of a connection between him/her</p>	<p>individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that the third country is not safe in his/her particular circumstances. The applicant shall also be allowed to challenge the existence of a connection between him/her and the third country in accordance with point (a).</p>	<p>individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that</p> <p>⇒ that the third country is not safe in his/her particular circumstances ⇐</p> <p>he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment.</p> <p>⇒ The applicant shall also be allowed to challenge the existence of a connection between him/her</p>	
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and the third country in accordance with point (a). ⇐		and the third country in accordance with point (a). ⇐	
3. When implementing a decision solely based on this Article, Member States shall:	4. When implementing a decision based on this Article, the Member States concerned shall	3. When implementing a decision solely based on this Article, Member States shall:	
(a) inform the applicant accordingly; and	inform the applicant accordingly.	(a) inform the applicant accordingly; and	
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.		(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.	
4. Where the third country does not permit the applicant for ⇐ international protection ⇐ asylum to enter its territory, Member States shall ensure that access to a	5. Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and	4. Where the third country does not permit the applicant for ⇐ international protection ⇐ asylum to enter its territory, Member States shall ensure that access to a	

procedure is given in accordance with the basic principles and guarantees described in Chapter II.	guarantees described in Chapter II.	procedure is given in accordance with the basic principles and guarantees described in Chapter II.	
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	█	5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	
	6. <i>Member States shall not designate national lists of safe countries of origin or national lists of safe third countries.</i>		
<i>Article 39</i>	<i>Article 39</i>	<i>Article 39</i>	
The European safe third <u>country</u> countries concept	█	The European safe third <u>country</u> countries concept	Pending. <u>Political red line.</u>
1. Member States may provide that no, or no full, examination of the asylum application for	█	1. Member States may provide that no, or no full, examination of the asylum application for	

<p>⇒ international protection ⇐ and of the safety of the applicant in his/her particular circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>		<p>⇒ international protection ⇐ and of the safety of the applicant in his/her particular circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>	
<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>	■	<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>	
<p>(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</p>	■	<p>(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</p>	

(b) it has in place an asylum procedure prescribed by law; <u>and</u>	■	(b) it has in place an asylum procedure prescribed by law; <u>and</u>	
(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; <u>and</u>	■	(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; <u>and</u>	
(d) it has been so designated by the Council in accordance with paragraph 3.		(d) it has been so designated by the Council in accordance with paragraph 3.	
3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third		3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third	

countries that shall be regarded as safe third countries for the purposes of paragraph 1.		countries that shall be regarded as safe third countries for the purposes of paragraph 1.	
			<p>EP compromise suggestion combined with Article 46(6)(d). See also follow-up note of 20.11.2012:</p> <p><i>The applicant shall be allowed to challenge the application of the European safe third country concept on the grounds that the country is not safe in his/her particular circumstances.</i></p>
<p><u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention, including providing for exceptions from the application of this</p>	■	<p><u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention, including providing for exceptions from the application of this</p>	

Article for humanitarian or political reasons or for reasons of public international law.		Article for humanitarian or political reasons or for reasons of public international law.	
<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:	■	<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:	
(a) inform the applicant accordingly; and	■	(a) inform the applicant accordingly; and	
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.	■	(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.	
<u>65.</u> Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and	■	<u>65.</u> Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and	

guarantees described in Chapter II.		guarantees described in Chapter II.	
6. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.		6. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	
7. Member States which have designated third countries as safe countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.		7. Member States which have designated third countries as safe countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.	

SECTION IV	SECTION IV	SECTION IV	
<i>Article <u>40</u> 32</i>	<i>Article 40</i>	<i>Article <u>40</u> 32</i>	
Subsequent application	Subsequent application	Subsequent application	
<p>1. Where a person who has applied for international protection ⇒ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇒ may examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements</p>	<p>1. Where a person who has applied for international protection in a Member State makes further representations or a subsequent application in the same Member State, that Member State shall examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the determining authority can take into account and consider all the elements underlying the further representations or</p>	<p>1. Where a person who has applied for international protection ⇒ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇒ may examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements</p>	<p>Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.</p>

underlying the further representations or subsequent application within this framework.	subsequent application within this framework.	underlying the further representations or subsequent application within this framework.	
2. Moreover, Member States may apply a specific procedure as referred to in paragraph 3, where a person makes a subsequent application for asylum.		2. Moreover, Member States may apply a specific procedure as referred to in paragraph 3, where a person makes a subsequent application for asylum.	
(a) after his/her previous application has been withdrawn or abandoned by virtue of Articles 19 or 20;		(a) after his/her previous application has been withdrawn or abandoned by virtue of Articles 19 or 20;	
(b) after a decision has been taken on the previous application. Member States may also decide to apply this procedure only after a final decision has been taken.		(b) after a decision has been taken on the previous application. Member States may also decide to apply this procedure only after a final decision has been taken.	

<p><u>2.</u> 2. ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ↔ <u>a</u> Δ subsequent application for ⇒ international protection ↔ <u>asylum</u> shall be subject first to a preliminary examination as to whether , after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or findings ⊗ have arisen or have been presented by the applicant which relate ⊗ relating to the examination of whether ⊗ the applicant ⊗ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ↔ by virtue of Directive <u>[.../.../EU]</u></p>	<p><u>2.</u> For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), <u>Member States may apply a specific procedure as referred to in paragraph 3 of this Article, where a person makes a subsequent application for international protection:</u></p>	<p><u>2.</u> 2. ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ↔ <u>a</u> Δ subsequent application for ⇒ international protection ↔ <u>asylum</u> shall be subject first to a preliminary examination as to whether , after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or findings ⊗ have arisen or have been presented by the applicant which relate ⊗ relating to the examination of whether ⊗ the applicant ⊗ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ↔ by virtue of Directive <u>[.../.../EU]</u></p>	<p>Agreed to take Com/Council text.</p> <p>See shadow meeting of 11 October 2012, note I, page 10.</p>
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[the Qualification Directive] 2004/83/EC have arisen or have been presented by the applicant.		[the Qualification Directive] 2004/83/EC have arisen or have been presented by the applicant.	
	(a) after his/her previous application has been withdrawn by virtue of <u>Article 27</u> ;		
	(b) after a final decision has been taken on the <u>previous application</u> .		
	A subsequent application for international protection shall be subject first to a preliminary examination as to whether, <u>after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) on this application has been reached</u> , new elements or findings have arisen or have been presented by the applicant which relate to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU] [the Qualification Directive].		

<p>3. 4. If, following the preliminary examination referred to in paragraph 2 <u>2</u> of this Article <input checked="" type="checkbox"/> concludes that <input checked="" type="checkbox"/> new elements or findings <input checked="" type="checkbox"/> have <input checked="" type="checkbox"/> arisen or <input checked="" type="checkbox"/> been <input checked="" type="checkbox"/> are presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee <input checked="" type="checkbox"/> or a person eligible for subsidiary protection <input checked="" type="checkbox"/> by virtue of Directive <input checked="" type="checkbox"/> [.../.../EU] [the Qualification Directive] <input checked="" type="checkbox"/> 2004/83/EC, the application shall be further examined in conformity with Chapter II. <input checked="" type="checkbox"/> Member States may also provide for other reasons for a subsequent application to be further examined. <input checked="" type="checkbox"/></p>	<p>3. If the preliminary examination referred to in paragraph <u>2</u> concludes that new elements or findings have arisen or been presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee or a person eligible for subsidiary protection by virtue of Directive [.../.../EU] [the Qualification Directive], the application shall be further examined in conformity with Chapter II.</p> <p>Member States may also provide for other reasons for a subsequent application to be further examined.</p>	<p>3. 4. If, following the preliminary examination referred to in paragraph 2 <u>2</u> of this Article <input checked="" type="checkbox"/> concludes that <input checked="" type="checkbox"/> new elements or findings <input checked="" type="checkbox"/> have <input checked="" type="checkbox"/> arisen or <input checked="" type="checkbox"/> been <input checked="" type="checkbox"/> are presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee <input checked="" type="checkbox"/> or a person eligible for subsidiary protection <input checked="" type="checkbox"/> by virtue of Directive <input checked="" type="checkbox"/> [.../.../EU] [the Qualification Directive] <input checked="" type="checkbox"/> 2004/83/EC, the application shall be further examined in conformity with Chapter II. <input checked="" type="checkbox"/> Member States may also provide for other reasons for a subsequent application to be further examined. <input checked="" type="checkbox"/></p>	<p>Identical.</p>
<p>5. Member States may, in accordance with national legislation, further</p>		<p>5. Member States may, in accordance with national legislation, further</p>	

examine a subsequent application where there are other reasons why a procedure has to be re-opened.		examine a subsequent application where there are other reasons why a procedure has to be re-opened.	
4. 6 Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs 2 and 3 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy pursuant to Article 46 39 .		4. 6 Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs 2 and 3 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy pursuant to Article 46 39 .	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.
5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).		5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.
6. 7 The procedure referred to in this Article may	6. The procedure referred to in this Article may	6. 7 The procedure referred to in this Article may	Identical.

also be applicable in the case of:	also be applicable in the case of:	also be applicable in the case of:	
<u>(a)</u> a dependant who lodges an application after he/she has, in accordance with Article <u>7(2)</u> 6(3) , consented to have his/her case be part of an application made on his/her behalf ⇨, and/or ⇨	(a) a dependant who lodges an application after he/she has, in accordance with Article 7(2), consented to have his/her case be part of an application made on his/her behalf,	<u>(a)</u> a dependant who lodges an application after he/she has, in accordance with Article <u>7(2)</u> 6(3) , consented to have his/her case be part of an application made on his/her behalf ⇨, and/or ⇨	Identical.
<u>(b)</u> ⇨ an unmarried minor who lodges an application after an application has been made on his/her behalf pursuant to Article 7(5)(c) ⇨ .		<u>(b)</u> ⇨ an unmarried minor who lodges an application after an application has been made on his/her behalf pursuant to Article 7(5)(c) ⇨ .	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.
In ⇨ those cases ⇨ this case , the preliminary examination referred to in paragraph <u>2</u> 3 of this Article will consist of examining whether there are facts relating to the dependant's ⇨ or the	In those cases, the preliminary examination referred to in paragraph <u>2</u> will consist of examining whether there are facts relating to the dependant's situation which	In ⇨ those cases ⇨ this case , the preliminary examination referred to in paragraph <u>2</u> 3 of this Article will consist of examining whether there are facts relating to the dependant's ⇨ or the	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.

unmarried minor's ⇐ situation which justify a separate application.	justifies a separate application.	unmarried minor's ⇐ situation which justify a separate application.	
7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [.../...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [.../...] [the Dublin Regulation], in accordance with this Directive.	7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [.../...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [.../...] [the Dublin Regulation], in accordance with this Directive.	⇐ [.../...] ⇐ 7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU)[.../...][the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [.../...][the Dublin Regulation], in accordance with this Directive. ⇐	Identical.

Article 41	Article 41	Article 41	
Specific rules following the rejection or inadmissibility of a subsequent application	Specific rules following the rejection or inadmissibility of a subsequent application	<p>⤵ [...] ⤵ Exceptions from the right to remain in case ⤵ of ⤵ [...] ⤵ subsequent ⤵ applications ⤵ ⤵ [...] ⤵</p>	<p>Pending.</p> <p><u>Political red line.</u></p>
Where a person makes a new application for international protection in the same Member State after a final decision to consider an application inadmissible pursuant to Article 40(5) or after a final decision to reject a previous subsequent application as unfounded, Member States may do any of the following:	Where <i>after the procedure relating to the initial application has been terminated pursuant to paragraph Article 40 (2)</i> , a person makes a new application for international protection in the same Member State before a return decision has been enforced, <i>and that new application does not lead to a further examination pursuant to Article 40</i> , Member States may do any of the following:	<p>⤵ 1. Member States may make an exception from the right to remain in the territory where a person:</p>	<p>Pending.</p>
(a) make an exception to the right to remain in the territory, provided the determining authority is satisfied that a return decision will not lead to direct or indirect refoulement in violation of international and Union obligations of that	(a) make an exception to the right to remain in the territory, provided the determining authority is satisfied that a return decision will not lead to direct or indirect refoulement in violation of international and Union obligations of that	(a) has made a first subsequent application, which is not further examined pursuant to Article 40(5), merely in order to delay or frustrate the enforcement of a decision which	<p>Pending.</p>

Member State,	Member State,	would result in his/her imminent removal from that Member State, or	
	(aa) provide that the application be subjected to the admissibility procedure in accordance with this Article and Article 30; and/or		Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.
(b) provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in such case, Member States may also derogate from the time limits normally applicable in accelerated procedures, in accordance with national legislation,	(b) provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in cases referred to in points (aa) and (c), Member States may also derogate from the time limits normally applicable in the admissibility and/or accelerated procedures, in accordance with national legislation,	(b) makes another request for international protection in the same Member State, following a final decision to consider a first subsequent application inadmissible pursuant to Article 40(5) or after a final decision to reject that application as unfounded,	Pending.
		Member States may make such an exception, only where ☞ [...] ☞	Pending.

		<p>the determining authority</p> <p>☞ considers ☞</p> <p>☞ [...] ☞ ☞ [...] ☞ that</p> <p>a return decision will not</p> <p>lead to direct or indirect</p> <p><i>refoulement</i> in violation</p> <p>of international and</p> <p>Union obligations of that</p> <p>Member State. ☞</p> <p>☞ [...] ☞</p>	
(c) derogate from the time limits normally applicable to admissibility procedures provided for in Articles 33 and 34, in accordance with national legislation.	(c) derogate from the time limits normally applicable to admissibility procedures provided for in Articles 33 and 34, in accordance with national legislation.	☞ [...] ☞	Pending.
		<p>☞ 2. In cases referred to in paragraph 1, ☞</p> <p>☞ Member States may also: ☞</p>	Pending.
		<p>(☞ (a) ☞ ☞ [...] ☞)</p> <p>☞ [...] ☞</p> <p>derogate from the time limits normally applicable in accelerated procedures, in accordance with</p>	Pending.

		national legislation ☞, when the examination procedure is accelerated in accordance with Article 31(6)(f); ☞ ☞ and/or ☞,	
		(☞ (b) ☞ ☞ [...] ☞) derogate from the time limits normally applicable to admissibility procedures provided for in Articles 33 and 34, in accordance with national legislation. ☞;	Pending.
		(c) derogate from Article 46(8). ☞	Pending.
Article 33		Article 33	
Failure to appear		Failure to appear	
Member States may retain or adopt the procedure provided for in Article 32 in the case of an		Member States may retain or adopt the procedure provided for in Article 32 in the case of an	

application for asylum filed at a later date by an applicant who, either intentionally or owing to gross negligence, fails to go to a reception centre or appear before the competent authorities at a specified time.		application for asylum filed at a later date by an applicant who, either intentionally or owing to gross negligence, fails to go to a reception centre or appear before the competent authorities at a specified time.	
<i>Article 42 34</i>	<i>Article 42</i>	<i>Article 42 34</i>	
Procedural rules	Procedural rules	Procedural rules	
1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum whose application is subject to a preliminary examination pursuant to Article 40 32 enjoy the guarantees provided for in Article 12(1) 10(1) .	1. Member States shall ensure that applicants for international protection whose application is subject to a preliminary examination pursuant to Article 40 enjoy the guarantees provided for in Article 12(1).	1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum whose application is subject to a preliminary examination pursuant to Article 40 32 enjoy the guarantees provided for in Article 12(1) 10(1) .	Identical.
2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40 32 . Those rules may, <i>inter alia</i> :	2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40. Those rules may, <i>inter alia</i> :	2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40 32 . Those rules may, <i>inter alia</i> :	Identical.
(a) oblige the applicant	(a) oblige the applicant	(a) oblige the applicant	Identical.

concerned to indicate facts and substantiate evidence which justify a new procedure;	concerned to indicate facts and substantiate evidence which justify a new procedure;	concerned to indicate facts and substantiate evidence which justify a new procedure;	
(b) require submission of the new information by the applicant concerned within a time limit after he/she obtained such information;		(b) require submission of the new information by the applicant concerned within a time limit after he/she obtained such information;	Identical.
(<u>b</u> e) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal interview ⇨, with the exception of cases referred to in Article 40(6) ⇨.	(<u>b</u>) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal interview, with the exception of cases referred to in Article 40(6).	(<u>be</u>) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal interview ⇨, with the exception of cases referred to in Article 40(6) ⇨.	Identical.
⊗ Those rules ⊗ The conditions shall not render impossible the access of applicants for	Those rules shall not render impossible the access of applicants to a new procedure or result	⊗ Those rules ⊗ The conditions shall not render impossible the access of applicants for	Identical.

asylum to a new procedure or result in the effective annulment or severe curtailment of such access.	in the effective annulment or severe curtailment of such access.	asylum to a new procedure or result in the effective annulment or severe curtailment of such access.	
3. Member States shall ensure that ;	3. Member States shall ensure that	3. Member States shall ensure that ;	Identical.
(a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision. ;	<u>(a)</u> the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision ;	(a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision. ;	Identical.
	<u>(b) if one of the situations referred to in Article 40(2) applies, the determining authority shall further examine the subsequent</u>		Agreed to take COM/Council text (deletion). See shadow meeting of 8.11.2012, note for the shadows, page 4.

	<u>application in conformity with the provisions of Chapter II as soon as possible.</u>		
(b) if one of the situations referred to in Article 32(2) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.		(b) if one of the situations referred to in Article 32(2) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.	
SECTION V	SECTION V	SECTION V	
<i>Article <u>43</u> 35</i>	<i>Article <u>43</u></i>	<i>Article <u>43</u> 35</i>	
Border procedures	Border procedures	Border procedures	
1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II,	1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II,	1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II,	Identical.

in order to decide at the border or transit zones of the Member State on;	in order to decide at the border or transit zones of the Member State on:	in order to decide at the border or transit zones of the Member State on;	
(a) ⇒ the admissibility of an application, pursuant to Article 33, made at such locations; ⇒ and/or	(a) the admissibility of an application, pursuant to Article 33, made at such locations; and/or	(a) ⇒ the admissibility of an application, pursuant to Article 33, made at such locations; ⇒ and/or	Identical.
(b) the substance of an application in a procedure pursuant to Article 31(6).	(b) the substance of an application in a procedure pursuant to Article 31(6).	(b) the substance of an application in a procedure pursuant to Article 31(6).	Identical.
2. However, when procedures as set out in paragraph 1 do not exist, Member States may maintain, subject to the provisions of this Article and in accordance with the laws or regulations in force on 1 December 2005, procedures derogating from the basic principles and guarantees described in Chapter II, in order to decide at the border or in transit zones as to		2. However, when procedures as set out in paragraph 1 do not exist, Member States may maintain, subject to the provisions of this Article and in accordance with the laws or regulations in force on 1 December 2005, procedures derogating from the basic principles and guarantees described in Chapter II, in order to decide at the border or in transit zones as to	

whether applicants for asylum who have arrived and made an application for asylum at such locations, may enter their territory;		whether applicants for asylum who have arrived and made an application for asylum at such locations, may enter their territory;	
3. The procedures referred to in paragraph 2 shall ensure in particular that the persons concerned:		3. The procedures referred to in paragraph 2 shall ensure in particular that the persons concerned:	
(a) are allowed to remain at the border or transit zones of the Member State, without prejudice to Article 7;		(a) are allowed to remain at the border or transit zones of the Member State, without prejudice to Article 7;	
(b) are be immediately informed of their rights and obligations, as described in Article 10(1) (a);		(b) are be immediately informed of their rights and obligations, as described in Article 10(1) (a);	
(c) have access, if necessary, to the services of an interpreter, as described in Article 10(1)(b);		(c) have access, if necessary, to the services of an interpreter, as described in Article 10(1)(b);	

(d) are interviewed, before the competent authority takes a decision in such procedures, in relation to their application for asylum by persons with appropriate knowledge of the relevant standards applicable in the field of asylum and refugee law, as described in Articles 12, 13 and 14;		(d) are interviewed, before the competent authority takes a decision in such procedures, in relation to their application for asylum by persons with appropriate knowledge of the relevant standards applicable in the field of asylum and refugee law, as described in Articles 12, 13 and 14;	
(e) can consult a legal adviser or counsellor admitted or permitted as such under national law, as described in Article 15(1); and		(e) can consult a legal adviser or counsellor admitted or permitted as such under national law, as described in Article 15(1); and	
(f) have a representative appointed in the case of unaccompanied		(f) have a representative appointed in the case of unaccompanied	

minors, as described in Article 17(1), unless Article 17(2) or (3) applies.		minors, as described in Article 17(1), unless Article 17(2) or (3) applies.	
Moreover, in case permission to enter is refused by a competent authority, this competent authority shall state the reasons in fact and in law why the application for asylum is considered as unfounded or as inadmissible.		Moreover, in case permission to enter is refused by a competent authority, this competent authority shall state the reasons in fact and in law why the application for asylum is considered as unfounded or as inadmissible.	
<u>2. 4</u> Member States shall ensure that a decision in the framework of the procedures provided for in paragraph <u>1 2</u> is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant for asylum shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance	2. Member States shall ensure that a decision in the framework of the procedures provided for in paragraph <u>1</u> is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance with the	<u>2. 4</u> Member States shall ensure that a decision in the framework of the procedures provided for in paragraph <u>1 2</u> is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant for asylum shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance	Agreed to take Com/Council text. See shadow meeting of 11 October 2012, note I, page 10.

with the other provisions of this Directive.	other provisions of this Directive. <i>The holding of applicants at Member States' borders or transit zones is equivalent to placing them in detention, as referred to in Article 26.</i>	with the other provisions of this Directive.	
<p>3. 5. In the event of particular types of arrivals, or arrivals involving a large number of third country nationals or stateless persons lodging applications for ⇒ international protection ⇐ asylum at the border or in a transit zone, which makes it practically impossible ⊗ in practice ⊗ to apply there the provisions of paragraph 1 or the specific procedure set out in paragraphs 2 and 3, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally</p>	<p>3. In the event of arrivals involving a large number of third country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, which makes it impossible in practice to apply there the provisions of paragraph 1, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally at locations in proximity to the border or transit zone.</p>	<p>3. 5. In the event of particular types of arrivals, or arrivals involving a large number of third country nationals or stateless persons lodging applications for ⇒ international protection ⇐ asylum at the border or in a transit zone, which makes it practically impossible ⊗ in practice ⊗ to apply there the provisions of paragraph 1 or the specific procedure set out in paragraphs 2 and 3, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally</p>	Identical.

at locations in proximity to the border or transit zone.		at locations in proximity to the border or transit zone.	
Article 36		Commission proposal	
The European safe third countries concept			
1. Member States may provide that no, or no full, examination of the asylum application and of the safety of the applicant in his/her particular circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.			
2. A third country can only be considered as a safe third country for the			

purposes of paragraph 1 where:			
(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;			
(b) it has in place an asylum procedure prescribed by law;			
(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; and			
(d) it has been so designated by the Council in			

accordance with paragraph 3.			
3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.			
4. The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention, including providing for exceptions from the application of this Article for humanitarian			

or political reasons or for reasons of public international law.			
5. When implementing a decision solely based on this Article, the Member States concerned shall			
(a) inform the applicant accordingly; and			
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.			
6. Where the safe third country does not readmit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in			

Chapter II:			
<p>7. Member States which have designated third countries as safe countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.</p>			

CHAPTER IV	CHAPTER IV	CHAPTER IV	
PROCEDURES FOR THE WITHDRAWAL OF ⇒ INTERNATIONAL PROTECTION ⇐ REFUGEE STATUS	PROCEDURES FOR THE WITHDRAWAL OF INTERNATIONAL PROTECTION STATUS	PROCEDURES FOR THE WITHDRAWAL OF ⇒ INTERNATIONAL PROTECTION ⇐ REFUGEE ⇒ [...] ⇐	
<i>Article <u>44</u> 37</i>	<i>Article 44</i>	<i>Article <u>44</u> 37</i>	
Withdrawal of ⇒ international protection ⇐ refugee status	Withdrawal of international protection status	Withdrawal of ⇒ international protection ⇐ refugee status	
Member States shall ensure that an examination to withdraw the ⇒ international protection ⇐ refugee status of a particular person may commence when new elements or findings arise indicating that there are reasons to reconsider the validity of his/her ⇒ international protection ⇐ refugee status.	Member States shall ensure that an examination to withdraw the international protection status of a particular person may commence when new elements or findings arise indicating that there are reasons to reconsider the validity of his/her international protection status.	Member States shall ensure that an examination to withdraw the ⇒ international protection ⇐ refugee status of a particular person may commence when new elements or findings arise indicating that there are reasons to reconsider the validity of his/her ⇒ international protection ⇐ refugee status.	Identical.

<i>Article 45 28</i>	<i>Article <u>45</u></i>	<i>Article 45 28</i>	
Procedural rules	Procedural rules	Procedural rules	
1. Member States shall ensure that, where the competent authority is considering withdrawing the ⇒ international protection ⇐ refugee status of a third country national or stateless person in accordance with Article 14 ⇒ or Article 19 ⇐ of Directive <u>[.../.../EU]</u> [the <u>Qualification Directive</u>] 2004/83/EC , the person concerned shall enjoys the following guarantees:	1. Member States shall ensure that, where the competent authority is considering withdrawing the international protection status of a third country national or stateless person in accordance with Article 14 or Article 19 of Directive [.../.../EU] [the <u>Qualification Directive</u>], the person concerned enjoys the following guarantees:	1. Member States shall ensure that, where the competent authority is considering withdrawing the ⇒ international protection ⇐ refugee status of a third country national or stateless person in accordance with Article 14 ⇒ or Article 19 ⇐ of Directive <u>[.../.../EU]</u> [the <u>Qualification Directive</u>] 2004/83/EC , the person concerned shall enjoys the following guarantees:	Identical.
(a) to be informed in writing that the competent authority is reconsidering his or her qualification for ⇒ international protection ⇐ refugee status and	(a) to be informed in writing that the competent authority is reconsidering his or her qualification for international protection status and the reasons for	(a) to be informed in writing that the competent authority is reconsidering his or her qualification for ⇒ international protection ⇐ refugee status and	Identical.

the reasons for such a reconsideration; and	such a reconsideration; and	the reasons for such a reconsideration; and	
(b) to be given the opportunity to submit, in a personal interview in accordance with Article <u>12(1)(b)</u> 10(1)(b) and Articles <u>14</u> , <u>15</u> , <u>⇒ 16 ⇐</u> and <u>17</u> 12 , 13 and 14 or in a written statement, reasons as to why his/her ⇒ international protection ⇐ refugee status should not be withdrawn.	(b) to be given the opportunity to submit, in a personal interview in accordance with Article 12(1)(b) and Articles 14, 15, 16 and 17 or in a written statement, reasons as to why his/her international protection status should not be withdrawn.	(b) to be given the opportunity to submit, in a personal interview in accordance with Article <u>12(1)(b)</u> 10(1)(b) and Articles <u>14</u> , <u>15</u> , <u>⇒ 16 ⇐</u> and <u>17</u> 12 , 13 and 14 or in a written statement, reasons as to why his/her ⇒ international protection ⇐ refugee status should not be withdrawn.	Identical.
In addition, Member States shall ensure that within the framework of such a procedure:	In addition, Member States shall ensure that within the framework of such a procedure:	In addition, Member States shall ensure that within the framework of such a procedure:	Identical.
(a) the competent authority is able to obtain precise and up-to-date	(a) the competent authority is able to obtain precise and up-to-date	(a) the competent authority is able to obtain precise and up-to-date	Identical.

information from various sources, such as, where appropriate, from ⇒ the European Asylum Support Office and ⇐ the UNHCR, as to the general situation prevailing in the countries of origin of the persons concerned; and	information from various sources, such as, where appropriate, from the European Asylum Support Office and the UNHCR, as to the general situation prevailing in the countries of origin of the persons concerned; and	information from various sources, such as, where appropriate, from ⇒ the European Asylum Support Office and ⇐ the UNHCR, as to the general situation prevailing in the countries of origin of the persons concerned; and	
(b) where information on an individual case is collected for the purposes of reconsidering the ⇒ international protection ⇐ refugee status, it is not obtained from the actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that the person concerned is a ⇒ beneficiary	(b) where information on an individual case is collected for the purposes of reconsidering the international protection status, it is not obtained from the actor(s) of persecution or serious harm in a manner that would result in such actor(s) being directly informed of the fact that the person concerned is a beneficiary of international	(b) where information on an individual case is collected for the purposes of reconsidering the ⇒ international protection ⇐ refugee status, it is not obtained from the actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that the person concerned is a ⇒ beneficiary	Identical.

<p>of international protection ⇐ refugee whose status is under reconsideration, nor jeopardise the physical integrity of the person and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	<p>protection whose status is under reconsideration, nor jeopardise the physical integrity of the person and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	<p>of international protection ⇐ refugee whose status is under reconsideration, nor jeopardise the physical integrity of the person and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	
<p>2. Member States shall ensure that the decision of the competent authority to withdraw the ⇐ international protection ⇐ refugee status is given in writing. The reasons in fact and in law shall be stated in the decision and information on how to challenge the decision shall be given in writing.</p>	<p>2. Member States shall ensure that the decision of the competent authority to withdraw the international protection status is given in writing. The reasons in fact and in law shall be stated in the decision and information on how to challenge the decision shall be given in writing.</p>	<p>2. Member States shall ensure that the decision of the competent authority to withdraw the ⇐ international protection ⇐ refugee status is given in writing. The reasons in fact and in law shall be stated in the decision and information on how to challenge the decision shall be given in writing.</p>	<p>Identical.</p>
<p>3. Once the competent authority has taken the decision to withdraw the ⇐ international</p>	<p>3. Once the competent authority has taken the decision to withdraw the international protection</p>	<p>3. Once the competent authority has taken the decision to withdraw the ⇐ international</p>	<p>Identical.</p>

<p>protection ⇐ refugee status, Article 20 15 paragraph 2, ⇨ Article 22 ⇐ , Article 23(1) 16 paragraph 1 and Article 29 21 are equally applicable.</p>	<p>status, Article 20, Article 22, Article 23(1) and Article 29 are equally applicable.</p>	<p>protection ⇐ refugee status, Article 20 15 paragraph 2, ⇨ Article 22 ⇐ , Article 23(1) 16 paragraph 1 and Article 29 21 are equally applicable.</p>	
<p>4. By derogation to paragraphs 1, 2 and 3 of this Article, Member States may decide that the ⇨ international protection ⇐ refugee status shall lapse by law in case of cessation in accordance with Article 11(1)(a) to (d) of Directive 2004/83/EC or if the ⇨ beneficiary of international protection ⇐ refugee has unequivocally renounced his/her recognition as a ⇨ beneficiary of international protection ⇐ refugee. ⇨ Member States may also provide that the international protection status shall lapse by law where the beneficiary of international protection</p>	<p>4. By derogation to paragraphs 1, 2 and 3 of this Article, Member States may decide that the international protection status shall lapse by law if the beneficiary of international protection has unequivocally renounced his/her recognition as a beneficiary of international protection. Member States may also provide that the international protection status shall lapse by law where the beneficiary of international protection has become a citizen of that Member State.</p>	<p>4. By derogation to paragraphs 1, 2 and 3 of this Article, Member States may decide that the ⇨ international protection ⇐ refugee ⇨ [...] ⇐ shall lapse by law in case of cessation in accordance with Article 11(1)(a) to (d) of Directive 2004/83/EC or if the ⇨ beneficiary of international protection ⇐ refugee has unequivocally renounced his/her recognition as a ⇨ beneficiary of international protection ⇐ refugee. ⇨ Member States may also provide that the international protection status shall lapse by law where the beneficiary of international protection</p>	<p>Identical.</p>

has become a citizen of that Member State. ⇐		has become a citizen of that Member State. ⇐	
CHAPTER V	CHAPTER V	CHAPTER V	
APPEALS PROCEDURES	APPEALS PROCEDURES	APPEALS PROCEDURES	
<i>Article <u>46</u> 29</i>	<i>Article <u>46</u></i>	<i>Article <u>46</u> 29</i>	
The right to an effective remedy	The right to an effective remedy	The right to an effective remedy	Pending.
1. Member States shall ensure that applicants for ⇐ international protection ⇐ asylum have the right to an effective remedy before a court or tribunal, against the following:	1. Member States shall ensure that applicants for international protection have the right to an effective remedy before a court or tribunal, against the following:	1. Member States shall ensure that applicants for ⇐ international protection ⇐ asylum have the right to an effective remedy before a court or tribunal, against the following:	Identical.
(a) a decision taken on their application for ⇐ international protection ⇐ , including a decision:	(a) a decision taken on their application for international protection, including a decision:	(a) a decision taken on their application for ⇐ international protection ⇐ , including a decision:	Identical.

(i) to consider an application unfounded in relation to refugee status and/or subsidiary protection status,	(i) to consider an application unfounded in relation to refugee status and/or subsidiary protection status,	(i) to consider an application unfounded in relation to refugee status and/or subsidiary protection status,	Identical.
(ii) i) to consider an application inadmissible pursuant to Article 33 25 (2),	(ii) to consider an application inadmissible pursuant to Article 33(2),	(ii) i) to consider an application inadmissible pursuant to Article 33 25 (2),	Identical.
(iii) ii) taken at the border or in the transit zones of a Member State as described in Article 43(1) 25(1) ,	(iii) taken at the border or in the transit zones of a Member State as described in Article 43(1),	(iii) ii) taken at the border or in the transit zones of a Member State as described in Article 43(1) 25(1) ...	Identical.
	(iv) not to conduct an examination	(iv) not to conduct an examination	Pending. <i>Related to Article 39.</i>

	<u>pursuant to</u> <u>Article 38;</u>	<u>pursuant to</u> <u>Article 39. C</u>	
(iii) not to conduct an examination pursuant to Article 36;		(iii) not to conduct an examination pursuant to Article 36;	
(b) a refusal to re-open the examination of an application after its discontinuation pursuant to Articles <u>27 and 28</u> <u>19 and 20;</u>	(b) a refusal to re-open the examination of an application after its discontinuation pursuant to Articles 27 and 28;	(b) a refusal to re-open the examination of an application after its discontinuation pursuant to Articles <u>27 and 28</u> <u>19 and 20;</u>	Identical.
(c) a decision not to further examine the subsequent application pursuant to Articles 32 and 34;		(c) a decision not to further examine the subsequent application pursuant to Articles 32 and 34;	
(d) a decision refusing entry within the framework of the procedures provided for under Article 35(2);		(d) a decision refusing entry within the framework of the procedures provided for under Article 35(2);	
(<u>c</u>) a decision to withdraw ⇒ international	(<u>c</u>) a decision to withdraw international	(<u>c</u>) a decision to withdraw ⇒ international	Identical.

<p>protection ⇐ refugee status pursuant to Article <u>45</u> 38.</p>	<p>protection status pursuant to Article 45.</p>	<p>protection ⇐ refugee status pursuant to Article <u>45</u> 38.</p>	
<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	<p>Identical.</p>
		<p>➡ Without prejudice to paragraph 1(c) of this Article, where the subsidiary protection status granted by a Member State offers the same rights and benefits as those offered by the refugee status under Union and national law, that Member State may consider an appeal against the decision referred to in subparagraph 1 of this</p>	<p>Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

		paragraph inadmissible on the basis of insufficient interest on the part of the applicant in maintaining the proceedings. ☹	
The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.	The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.	☹ [...]	Pending.
3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before	3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before	3. ☹ In order to comply with paragraph 1, ☹ Member States shall ensure that ☹ an ☹ ☹ [...]	Pending.

a court or tribunal of first instance.	a court or tribunal of first instance.	pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.	
<u>4. 2</u> Member States shall provide for \Rightarrow reasonable \Leftarrow time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	4. Member States shall provide for <i>minimum</i> time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	<u>4. 2</u> Member States shall provide for \Rightarrow reasonable \Leftarrow time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	<i>Openness to Council text in a context of a global agreement.</i> <u>Political red line.</u>
	<i>The Member States shall set a minimum time limit of 45 working days during which applicants may exercise their right to an effective remedy. For applicants under the accelerated procedure referred to in Article 31(6), the Member States shall lay down a minimum time limit of thirty working days.</i>		<i>Openness to Council text in a context of a global agreement.</i> <u>Political red line.</u>

The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	Identical.
Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Identical.
3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:		3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:	
(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;		(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;	
(b) the possibility of legal remedy or protective		(b) the possibility of legal remedy or protective	

measures where the remedy pursuant to paragraph 1 does not have the effect of allowing applicants to remain in the Member State concerned pending its outcome. Member States may also provide for an ex officio remedy; and		measures where the remedy pursuant to paragraph 1 does not have the effect of allowing applicants to remain in the Member State concerned pending its outcome. Member States may also provide for an ex officio remedy; and	
(e) the grounds for challenging a decision under Article 25(2)(c) in accordance with the methodology applied under Article 27(2)(b) and (c).		(e) the grounds for challenging a decision under Article 25(2)(c) in accordance with the methodology applied under Article 27(2)(b) and (c).	
5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in the territory until the time limit within which to exercise their right to	5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in the territory until the time limit within which to exercise their right to	5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in the territory until the time limit within which to exercise their right to	Identical.

an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.	an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.	an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.	
6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	6. In the case of a decision	Pending

		<p> ➤ (a) ➤ to consider an application ➤ manifestly unfounded in accordance with Article 32(2) or ➤ unfounded ➤ after examination in accordance with ➤ ➤ [...] ➤ Article 31(6) ➤, except for cases where these decisions are based on the circumstances referred to in Article 31(6)(f1) ➤ ➤ [...] ➤ ; </p>	
		<p> ➤ (b) ➤ ➤ [...] ➤ to consider an application inadmissible pursuant to Article 33(2)(a) ➤ (b) ➤ or (d) ➤ ; ➤ </p>	
		<p> ➤ (c) to reject reopening of the applicant's case that has been discontinued according to </p>	<p> <u>Political red line.</u> <i>Related to EP compromise proposal on Article 28(1)(b).</i> </p>

		Article 28; ☹	
		☹ (d) not to examine or not to examine fully the application pursuant to Article 39, ☹	<u>Political red line.</u> <i>Related to EP compromise proposal on Article 39.</i>
		☹ if the decision aims to end the applicant's right to remain in the Member State ☹ and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	
This paragraph shall not apply to procedures referred to in Article 43.	This paragraph shall not apply to procedures referred to in Article 43.	☹ 7. ☹ ☹ Paragraph 6 ☹ ☹ [...] ☹ shall ☹ [...] ☹ ☹ only ☹ apply to procedures	Pending <u>Political red line.</u>

		referred to in Article 43 ☞☞ [...] ☞ provided that:	
		a) the applicant has the necessary interpretation ☞, ☞ ☞ [...] ☞ legal assistance ☞ and at least one week ☞ to prepare the request and ☞ submit ☞ ☞ [...] ☞ to the court or tribunal the arguments in favour of granting him/her the right to remain on the territory pending the outcome of the remedy;	
		b) ☞ [...] ☞☞ [...] ☞ in the framework of of the examination of the request referred to in Paragraph 6, the court or tribunal examines the negative decision of the determining authority in terms of fact and law. ☞.	
		☞If the conditions referred to in points (a) and (b) are not met paragraph 5 applies ☞	

<p>7. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6.</p>	<p>7. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6.</p> <p><i>An exception may be made for subsequent applications which do not lead to a further examination pursuant to Article 40(5), if a return decision pursuant to Article 3(4) of Directive 2008/115/EC has been taken, and for decisions in the procedure pursuant to Article 39 if this is provided for in national legislation.</i> [Am. 117]</p>	<p>8. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraphs 6 and 7.</p>	<p>Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>
<p>8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].</p>	<p>8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].</p>	<p>8. [...]</p>	<p>Pending (Dublin issue).</p>

<u>9. 4</u> Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	9. Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	<u>9.4</u> Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	Identical.
5. Where an applicant has been granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC, the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.		5. Where an applicant has been granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC, the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.	
	<u>10. Where an applicant has been granted a status which offers the same rights and benefits under</u>		Agreed to take Council text (deletion). See shadow meeting of 8.11.2012, note for the shadows,

	<p><u>national and Union law as the refugee status by virtue of Directive [...]/.../EU] [the Qualification Directive].</u></p> <p><u>the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.</u></p>		page 4.
<p><u>10. 6</u> Member States may also lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.</p>	<p>11. Member States may also lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.</p>	<p><u>10. 6</u> Member States may also lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.</p>	Identical.

CHAPTER VI	CHAPTER VI	CHAPTER VI	
GENERAL AND FINAL PROVISIONS	GENERAL AND FINAL PROVISIONS	GENERAL AND FINAL PROVISIONS	
<i>Article 47 40</i>	<i>Article 47</i>	<i>Article 47 40</i>	
Challenge by public authorities	Challenge by public authorities	Challenge by public authorities	
This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	Identical.
<i>Article 48 41</i>	<i>Article 48</i>	<i>Article 48 41</i>	
Confidentiality	Confidentiality	Confidentiality	
Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	Identical.

<i>Article 49</i>	<i>Article 49</i>	<i>Article 49</i>	<i>Article 49</i>
Cooperation	Cooperation	Cooperation	Cooperation
Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Identical.
Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Identical.
			<p>Pending.</p> <p>EP compromise suggestion:</p> <p><i>Related to Articles 6(5), 14(1), second subparagraph and 31(3)(b) and Recital 28a.</i></p> <p><i>"When resorting to the measures referred to in Articles 6(5), 14(1), second subparagraph and 31(3)(b), Member States shall inform the Commission. Member</i></p>

			<i>States shall also inform the Commission as soon as the reasons for applying these exceptional measures have ceased to exist."</i>
<i>Article <u>50</u> 42</i>	<i>Article <u>50</u></i>	<i>Article <u>50</u> 42</i>	
Report	Report	Report	
No later than 1 December 2009 ⇒ ¹ ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.	No later than....., the Commission shall report to the European Parliament and the Council on the application <i>and the financial cost</i> of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information <i>and financial data</i> that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every <i>two</i> years.	No later than 1 December 2009 ⇒ ² ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.	Agreed to take COM/Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4. The EP amendment "two years" is still pending. <u>Political red line.</u>

¹ Four years after the date of adoption of this Directive.

² ⇒ [...] ⇐ 48 months from the date of publication in the Official Journal of the European Union_ ⇐ .

<i>Article <u>51</u> 42</i>	<i>Article <u>51</u></i>	<i>Article <u>51</u> 42</i>	
Transposition	Transposition	Transposition	
<p><u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 <input checked="" type="checkbox"/> Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest <input checked="" type="checkbox"/>. Concerning Article 15, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p><u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 <input checked="" type="checkbox"/> Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] ¹at the latest <input checked="" type="checkbox"/>. Concerning Article 15, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission</p>	<p>Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

¹ 24 months from the date of publication in the Official Journal of the European Union.

<p>thereof ☒ the text of those provisions and a correlation table between those provisions and this Directive ☒.</p>		<p>thereof ☒ the text of those provisions ☞ [...] ☞ ☒.</p>	
<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [2 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(☞ 2 ☞ ☞ and 3 ☞ ☞ [...] ☞) by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions ☞ [...] ☞.</p>	<p>Pending.</p> <p><u>Political red line.</u></p>
<p><u>3.</u> When Member States adopt ☒ the ☒ those provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member</p>	<p>3. When Member States adopt the provisions referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine</p>	<p><u>3.</u> When Member States adopt ☒ the ☒ those provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member</p>	<p>Identical.</p>

<p>States shall determine how such reference is to be made. <input checked="" type="checkbox"/> The methods of making such reference shall be laid down by Member States. <input checked="" type="checkbox"/> They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. <input checked="" type="checkbox"/></p>	<p>how such reference is to be made. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.</p>	<p>States shall determine how such reference is to be made. <input checked="" type="checkbox"/> The methods of making such reference shall be laid down by Member States. <input checked="" type="checkbox"/> They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. <input checked="" type="checkbox"/></p>	
<p><u>4.</u> Member States shall communicate to the Commission the text of the <input checked="" type="checkbox"/> main <input checked="" type="checkbox"/> provisions of national law which they adopt in the field covered by this Directive <input checked="" type="checkbox"/> and a correlation table between those provisions and this Directive <input checked="" type="checkbox"/>.</p>	<p>4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive and a correlation table between those provisions and this Directive.</p>	<p><u>4.</u> Member States shall communicate to the Commission the text of the <input checked="" type="checkbox"/> main <input checked="" type="checkbox"/> provisions of national law which they adopt in the field covered by this Directive ➡ [...] ⬅.</p>	<p>Agreed to take Council text. See shadow meeting of 8.11.2012, note for the shadows, page 4.</p>

<i>Article <u>52</u> 44</i>	<i>Article <u>52</u></i>	<i>Article <u>52</u> 44</i>	
<u>Transitional provisions</u>	<u>Transitional provisions</u>	<u>Transitional provisions</u>	
Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article <u>51(1)</u> 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 1 December 2007 . ⇒ Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐	Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(1) to applications for international protection lodged after [...] and to procedures for the withdrawal of international protection started after [...]. Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC.	Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article <u>51(1)</u> 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 1 December 2007 . ⇒ Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐	Identical.
Member States shall apply the	Member States shall apply the	Member States shall apply the	Identical.

¹ 24 months from the date of publication in the Official Journal of the European Union.

² 24 months from the date of publication in the Official Journal of the European Union.

³ 24 months from the date of publication in the Official Journal of the European Union.

⁴ 24 months from the date of publication in the Official Journal of the European Union.

laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]¹. Applications submitted before [...]² shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	
<i>Article 53</i>	<i>Article 53</i>	<i>Article 53</i>	
Repeal	Repeal	Repeal	
Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Identical.
References to the repealed Directive shall be construed as	References to the repealed Directive shall be construed as	References to the repealed Directive shall be construed as	Identical.

¹ 60 months from the date of publication in the Official Journal of the European Union.

² 60 months from the date of publication in the Official Journal of the European Union.

references to this Directive and shall be read in accordance with the correlation table in Annex III.	references to this Directive and shall be read in accordance with the correlation table in Annex III.	references to this Directive and shall be read in accordance with the correlation table in Annex III.	
<i>Article <u>54</u> 45</i>	<i>Article <u>54</u></i>	<i>Article <u>54</u> 45</i>	
Entry into force	Entry into force	Entry into force	
This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	Identical.
Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles to be filled in.
<i>Article <u>55</u> 46</i>	<i>Article <u>55</u></i>	<i>Article <u>55</u> 46</i>	
Addressees	Addressees	Addressees	
This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community ☒ accordance with the Treaties ☒.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community ☒ accordance with the Treaties ☒.	Identical.

Done at Brussels,	Done at Brussels,	Done at Brussels,	
<i>For the European Parliament</i>	<i>For the European Parliament</i>	<i>For the European Parliament</i>	
<i>The President</i>	<i>The President</i>	<i>The President</i>	
<i>For the Council</i>	<i>For the Council</i>	<i>For the Council</i>	
<i>The President</i>	<i>The President</i>	<i>The President</i>	
ANNEX I		ANNEX I	
ANNEX I H		ANNEX I H	Pending.
Designation of safe countries of origin for the purposes of Article 29 and 30 37(1)	DELETED	Designation of safe countries of origin for the purposes of Article 29 and 30 37(1)	Pending. <u>Political red line.</u>
A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the		A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the	

<p>general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...]/.../EU] [the <u>Qualification Directive</u>] <u>Directive 2004/83/EC</u> no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.</p>		<p>general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...]/.../EU] [the <u>Qualification Directive</u>] <u>Directive 2004/83/EC</u> no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.</p>	
<p>In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:</p>		<p>In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:</p>	
<p>(a) the relevant laws and regulations of the country and the manner in which they are applied;</p>		<p>(a) the relevant laws and regulations of the country and the manner in which they are applied;</p>	
<p>(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental</p>		<p>(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental</p>	

Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;		Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;	
(c) <i>respect of the non-refoulement principle according to the Geneva Convention;</i>		(c) respect of the non-refoulement principle according to the Geneva Convention;	
(d) provision for a system of effective remedies against violations of these rights and freedoms.		(d) provision for a system of effective remedies against violations of these rights and freedoms.	
ANNEX III		ANNEX III	
