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THE EUROPEAN UNION**

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**NOTE**

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from:	Presidency
to:	Permanent Representatives Committee (Part II)
On:	11 July 2012

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Subject:	Amended proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of asylum seekers (recast) [First reading] - <i>Analysis of draft compromise text resulting from the fifth trilogue with a view to a possible agreement</i>
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**Introduction**

The fifth trilogue on the recast of the Reception Conditions Directive took place on 27 June 2012. The former Danish Presidency has conducted the negotiations on the basis of the negotiating mandate the Committee of Permanent Representatives endorsed on 21 March 2012 and in light of the further guidance given on 14 June. The result of the trilogue is reflected in the fourth column of the table which appears in the annex.

**Compromise package**

The result of the fifth trilogue is an overall compromise package containing the elements below.



1. Concerning the special reception needs of vulnerable persons, the European Parliament insists on deleting in Article 22 the word "concerned". The Parliament fears that this word could result in Member States limiting assessments on special reception needs. In this context also recital (14) is modified so as to refer to the reception of "persons with special reception needs" instead of to "groups with special reception needs".

In return, the Parliament would be able to accept in Article 22 a new paragraph 2 which specifies that the assessment needs not take the form of an administrative procedure, as well as that the assessment needs to be executed "within a reasonable period of time after an application for international protection". Moreover, the Parliament could accept the Council text for Article 11(1) on detention of vulnerable persons as well as the provision in Article 11(2) that unaccompanied minors "shall only be detained in exceptional circumstances" not insisting anymore that unaccompanied minors shall never be detained.

2. Concerning the provisions on detention, the package contains compromises on provisions regarding grounds for detention, the review of a detention order and the detention of applicants for asylum and other third country nationals.
  - As regards the detention grounds contained in Article 8(3)(d), the first ground on persons that apply for asylum after having been apprehended for illegal stay would be deleted while the second ground would be further specified in two ways, firstly, that removal must be done under the Return Directive and, secondly, that Member States must substantiate on the basis of objective criteria that reasonable ground exist to believe that the applicant only makes the application to frustrate removal. In this context, the Presidency notes that the word "already" is deleted for the phrase "when he/she is already detained subject to a return procedure".



- On the basis of the compromise on Article 9(2) concerning the review of the detention order made by administrative authorities, Member States are allowed a judicial review *ex officio* and/or on the request of the applicant for asylum. With a view to underlining that the applicant has a right to an effective remedy, the provision in paragraph 3 requiring a Member State to immediately inform an applicant about the reasons for detention, the procedures for challenging the detention order and the possibility to request free legal assistance and representation, is transferred to paragraph 2. In addition it is specified that this information needs to be given in writing.
  - As regards Article 10(1), the Parliament would be able to accept that applicants for asylum in detention shall be "as far as possible" accommodated separately from other third country nationals.
3. Concerning Article 15 on access to the labour market, the Parliament would be ready to accept the Council text with as only amendment an access period of 9 months instead of 12 months. Moreover, the Parliament would accept not to refer in recital (19) to the examination period laid down in the Asylum Procedures Directive.
  4. Article 20 on reduction or withdrawal of material reception conditions and the corresponding recital (21) would remain as presented to the Committee of Permanent Representatives on 21 June.
  5. The Parliament would be able to accept inserting the phrase "in so far as such aid is necessary to ensure effective access to justice" in Article 26(2).
  6. Parliament would be able to accept the Council text on monitoring and reporting laid down in Article 28 and the Annex giving up on more frequent and more extensive reporting obligations.



## Conclusion

The Presidency is convinced that the compromise suggestions which result from the fifth trilogue is a balanced package that deserves the support of Council, in particular in light of the European Council's commitment to establish a Common European Asylum System by 2012. Against that background, the Presidency invites the Committee of Permanent Representatives to examine the compromise package with a view to mandating him to inform the representatives of the European Parliament that the Council can give its endorsement. Provided that the LIBE Committee also supports the package, the LIBE Chair will then be in a position to inform the Chair of the Committee of Permanent Representatives that he will recommend that the Council Position in first reading be accepted without amendments in Parliament's second reading.

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**Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL laying down standards for the reception of asylum seekers (Recast)**

The columns of the table reflect respectively:

1. the amended Commission proposal of 7 June 2011.
  2. the "European Parliament's additional considerations" which are based upon its first reading position on the initial Commission proposal and the amendments of the approach of the LIBE rapporteur and the shadow rapporteurs on the amended Commission proposal. The differences between the EP additional considerations and the amended Commission proposal are indicated in ***bold italics*** whereby lawyer-linguistic changes are indicated in *italics* only.
  3. the Council position on the amended Commission proposal as endorsed by the Committee of Permanent Representatives on 21 March 2012. New text is indicated by underlining the insertion and including it within Council tags: ☞\_☞; deleted text is indicated within underlined square brackets as follows: ☞\_[...]☞.
  4. the compromise package resulting from the fifth trilogue on 27 June 2012 (changes to the Council Position are indicated in **bold**).
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Amended proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down standards for the reception of asylum seekers (Recast)

<b>Commission Proposal revised Com proposal (doc 11214/11)</b>	<b>EP text</b>	<b>Council Position</b>	<b>Compromise package resulting from 5th trilogue</b>
2008/0244 (COD)		2008/0244 (COD)	
<p>Amended proposal for a</p> <p><b>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b></p> <p><b>laying down standards for the reception of asylum seekers</b></p> <p><b>(Recast)</b></p>		<p>Amended proposal for a</p> <p><b>DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b></p> <p>laying down <del>minimum</del> standards for the reception of asylum seekers</p> <p><b>(Recast)</b></p>	Identical



<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular point 2(f) of Article 78 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,</p> <p>Having regard to the opinion of the Committee of the Regions<sup>2</sup>,</p> <p>Acting in accordance with the ordinary</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular point 2(f) of Article 78 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>Having regard to the opinion of the European Economic and Social Committee,</p> <p>Having regard to the opinion of the Committee of the Regions<sup>2</sup>,</p> <p>Acting in accordance with the ordinary</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the <del>the</del> Treaty on the Functioning of the European Union<del>,</del>, and in particular <del>the</del> point 2(f) of Article 78<del>,</del> thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>Having regard to the opinion of the European Economic and Social Committee<sup>3</sup>,</p> <p>Having regard to the opinion of the Committee of the Regions<sup>4</sup>,</p> <p>Acting in accordance with the</p>	<p>Identical</p>
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<sup>1</sup> OJ C , , p. .  
<sup>2</sup> OJ C , , p. .  
<sup>3</sup> OJ C , , p. .  
<sup>4</sup> OJ C , , p. .



legislative procedure,  Whereas:	of the Committee of the Regions,  Acting in accordance with the ordinary legislative procedure,  Whereas:	ordinary legislative procedure,  Whereas:	
(1) A number of substantive changes are to be made to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers <sup>1</sup> . In the interests of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. In the interests of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers <sup>2</sup> . In the interests of clarity, that Directive should be recast.	Identical
(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances,	(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively	(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who,	Identical

<sup>1</sup> OJ L 31, 6.2.2003, p. 18.

<sup>2</sup> OJ L 31, 6.2.2003, p. 18.



<p>legitimately seek protection in the <del>European</del> Union <del>Community</del>. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	<p>establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the European 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>forced by circumstances, legitimately seek protection in the <del>European</del> Union <del>Community</del>. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	
<p>(3) At its special meeting in Tampere on 15 and 16 October 1999, the European Council agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus maintaining the principle of non-refoulement. ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal</p>	<p>(3) At its special meeting in Tampere on 15 and 16 October 1999, the European Council agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January</p>	<p>(3) At its special meeting in Tampere on 15 and 16 October 1999, the European Council agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus maintaining the principle of non-refoulement. ⇒ The first phase of a Common European</p>	<p>Identical</p>



instruments foreseen in the Treaties, including Directive 2003/9/EC. ⇐	1967, thus maintaining the principle of non-refoulement. The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2003/9/EC.	Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2003/9/EC. ⇐	
<del>The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common minimum conditions of reception of asylum seekers.</del>		<del>The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common minimum conditions of reception of asylum seekers.</del>	
<del>The establishment of minimum standards for the reception of asylum seekers is a further step towards a European asylum policy.</del>		<del>The establishment of minimum standards for the reception of asylum seekers is a further step towards a European asylum policy.</del>	



<p>(4) 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 instruments and to submit the second-phase instruments and measures to the Council and the European Parliament.</p>	<p>(4) 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 instruments and to submit the second-phase instruments and measures to the Council and the European Parliament.</p>	<p>(4) 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 instruments and to submit the second-phase instruments and measures to the Council and the European Parliament.</p>	<p>Identical</p>
<p>(5) 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</p>	<p>(5) 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</p>	<p>(5) 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</p>	<p>Identical</p>



and effective procedures by 2012. The Stockholm Programme further provides that it is crucial that individuals, regardless of the Member State in which their application for asylum is made, are offered an equivalent level of treatment as regards reception conditions.	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 further provides that it is crucial that individuals, regardless of the Member State in which their application for asylum is made, are offered an equivalent level of treatment as regards reception conditions.	standards and fair and effective procedures by 2012. The Stockholm Programme further provides that it is crucial that individuals, regardless of the Member State in which their application for asylum is made, are offered an equivalent level of treatment as regards reception conditions.	
(6) 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 <sup>1</sup> , should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the	(6) 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,	(6) 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 <sup>2</sup> , should be mobilised to provide adequate support to the Member States' efforts relating to the	Identical

<sup>1</sup> OJ L 132, 29.5.2010, p.11.

<sup>2</sup> 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.	should be mobilised to provide adequate support to the Member States' efforts relating to the 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.	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.	
	<b><i>(6a) In order to cover improvements in standards for the reception of asylum seekers there should be a proportionate increase in the funds made available by the European Union in order to provide adequate support for the costs of such improvements, especially in the case</i></b>		EP AM not included




	<i>of Member States which are facing specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.</i>		
	<i>(6b) Article 80 of the Treaty on the Functioning of the European Union provides that the policies of the Union set out in the Chapter on border checks, asylum and immigration and their implementation are to be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States, and that, whenever necessary, Union acts under the said Chapter are to contain appropriate measures to give effect to that</i>		EP AM not included



	<i>principle.</i>		
(7) In the light of the results of the evaluations undertaken on the implementation of the first phase instruments, it is appropriate, at this stage, to confirm the principles underlying Directive 2003/9/EC with a view to ensuring improved reception conditions for asylum seekers.	(7) In the light of the results of the evaluations undertaken on the implementation of the first phase instruments, it is appropriate, at this stage, to confirm the principles underlying Directive 2003/9/EC with a view to ensuring improved reception conditions for asylum seekers.	(7) In the light of the results of the evaluations undertaken on the implementation of the first phase instruments, it is appropriate, at this stage, to confirm the principles underlying Directive 2003/9/EC with a view to ensuring improved reception conditions for asylum seekers.	Identical
(8) In order to ensure equal treatment of asylum seekers throughout the Union, this Directive should apply during all stages and types of procedures concerning applications for international protection and in all locations and facilities hosting asylum seekers.	(8) In order to ensure equal treatment of asylum seekers throughout the Union, this Directive should apply during all stages and types of procedures concerning applications for international protection and in all locations and facilities hosting asylum seekers.	(8) In order to ensure equal treatment of asylum seekers throughout the Union, this Directive should apply <del>as long as applicants are allowed to remain on the territory as</del> <del>as long as applicants are allowed to remain</del>	(8) In order to ensure equal treatment of asylum seekers throughout the Union, this Directive should apply <b>during all stages and types of procedures concerning applications for international protection and in all locations and facilities hosting asylum seekers and</b> <del>as long as applicants are allowed to remain</del>



			on the territory as asylum seekers. 
(9) Member States should seek to ensure full compliance with the principles of the best interests of the child and the importance of family unity, in the application of this Directive, in line with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively.	(9) Member States should seek to ensure full compliance with the principles of the best interests of the child and the importance of family unity, in the application of this Directive, in line with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively.	(9) Member States should seek to ensure full compliance with the principles of the best interests of the child and the importance of family unity, in the application of this Directive, in line with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively.	Identical
(10) 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.	(10) 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	(10) 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



	which they are party.		
(11) <del>Minimum</del> Standards for the reception of asylum seekers that will <del>normally</del> suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.	(11) Standards for the reception of asylum seekers that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.	(11) <del>Minimum</del> Standards for the reception of asylum seekers that will <del>normally</del> suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.	Identical
(12) The harmonisation of conditions for the reception of asylum seekers should help to limit the secondary movements of asylum seekers influenced by the variety of conditions for their reception.	(12) The harmonisation of conditions for the reception of asylum seekers should help to limit the secondary movements of asylum seekers influenced by the variety of conditions for their reception.	(12) The harmonisation of conditions for the reception of asylum seekers should help to limit the secondary movements of asylum seekers influenced by the variety of conditions for their reception.	Identical
(13) In view of ensuring equal treatment amongst all applicants for international protection as well as in order to guarantee consistency with current EU asylum acquis, in particular with Directive [...]/.../EU [the Qualification Directive], it is appropriate to extend the scope of this Directive in order to include	(13) <i>With a view to</i> ensuring equal treatment <i>among</i> all applicants for international protection as well as in order to <i>ensure</i> consistency with current EU asylum acquis, in particular with Directive 2011/95/EU <i>of the</i>	(13) In view of ensuring equal treatment amongst all applicants for international protection as well as in order to guarantee consistency with current EU asylum acquis, in particular with Directive [...]/.../EU [the Qualification Directive], it is appropriate to extend the scope of this	(13) <b>With a view to</b> <del>In view of</del> ensuring equal treatment amongst all applicants for international protection as well as in order to guarantee consistency with current EU asylum acquis, in particular with Directive



applicants for subsidiary protection.	<i>European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted<sup>1</sup>, it is appropriate to extend the scope of this Directive in order to include applicants for subsidiary protection.</i>	Directive in order to include applicants for subsidiary protection.	[.../.../EU] [the Qualification Directive], it is appropriate to extend the scope of this Directive in order to include applicants for subsidiary protection.
(14) ⇒ The immediate identification and monitoring of persons ⇐ <del>Reception of groups</del> with special ⇒ reception ⇐ needs should be ⇒ a primary concern of national authorities in order to ensure that their reception is ⇐ specifically designed to meet ☒ their special reception ☒ <del>those</del> needs.	(14) The immediate identification and monitoring of persons with special reception needs should be a primary concern of national authorities in order to ensure that their reception	(14) ➔ [...] ⦿ <del>Reception of groups</del> ➔ <del>Reception of groups</del> ⦿ with special ⇒ reception ⇐ needs should be ⇒ a primary concern of national authorities in order to ensure that their reception is ⇐ specifically designed to meet ☒ their special reception ☒ <del>those</del>	(14) ➔ [...] ⦿ <del>Reception of groups</del> ➔ <del>Reception of groups</del> ⦿ <del>persons</del> ⦿ with special ⇒ reception ⇐ needs should be ⇒ a primary concern of national authorities in order to ensure that their reception

<sup>1</sup> OJ L 337 of 20.12.2011, p. 9.



	conditions are specifically designed to meet their special reception needs.	needs.	is specifically designed to meet their special reception needs.
(15) Detention of asylum seekers should be applied in line with the underlying principle that a person should not be held in detention for the sole reason that are seeking international protection, notably in accordance with Article 31 of the Geneva Convention relating to the Status of Refugees of 28 July 1951. In particular, Member States should not impose penalties on asylum seekers on account of illegal entry or presence and any restrictions to movement should be necessary. In this respect, detention of asylum seekers should only be possible under very clearly defined exceptional circumstances laid down in this Directive and subject to the principle of necessity and proportionality with regard both to the manner and to the purpose of such detention. Where an	(15) Detention of asylum seekers should be applied in line with the underlying principle that a person should not be held in detention for the sole reason that <i>he/she is</i> seeking international protection, notably in accordance with <b><i>the international legal obligations of the Member States, and particularly</i></b> Article 31 of the Geneva Convention relating to the Status of Refugees of 28 July 1951. In particular, Member States should not impose penalties on asylum seekers on account of illegal entry or presence and any restrictions <i>on</i>	(15) Detention of asylum seekers should be applied in line with the underlying principle that a person should not be held in detention for the sole reason that are seeking international protection, notably in accordance with Article 31 of the Geneva Convention relating to the Status of Refugees of 28 July 1951. [...] Detention of asylum seekers should only be possible under very clearly defined exceptional circumstances laid down in this Directive and subject to the principle of necessity and proportionality with regard both to the manner and to the purpose of such detention. Where an asylum seeker is held in detention he/she should be able to have effective access to the necessary procedural	(15) Detention of asylum seekers should be applied in line with the underlying principle that a person should not be held in detention for the sole reason that are seeking international protection, notably in accordance with <b>the international legal obligations of the Member States, and particularly</b> Article 31 of the Geneva Convention relating to the Status of Refugees of 28 July 1951. [...] Detention of asylum seekers should only be possible under very clearly defined exceptional circumstances laid



<p>asylum seeker is held in detention he/she should be able to have effective access to the necessary procedural guarantees such as judicial remedy before a national court.</p>	<p>movement should be necessary. In this respect, detention of asylum seekers should only be possible under very clearly defined exceptional circumstances laid down in this Directive and subject to the <i>principles</i> of necessity and proportionality with regard both to the manner and to the purpose of such detention. Where <i>asylum seekers</i> are held in detention <i>they</i> should be able to have effective access to the necessary procedural guarantees such as judicial remedy before a national court.</p>	<p>guarantees such as judicial remedy before a national court.</p>	<p>down in this Directive and subject to the principle of necessity and proportionality with regard both to the manner and to the purpose of such detention. Where an asylum seeker is held in detention he/she should be able to have effective access to the necessary procedural guarantees such as judicial remedy before a national court.</p>
	<p><b>(15a) With regards to administrative procedures related to the grounds for detention set out in Article 8(3), the notion of 'due diligence' at least requires that</b></p>		<p><b>(15a) With regards to administrative procedures related to the grounds for detention set out in Article 8(3), the notion of 'due diligence' at least</b></p>



	<i>Member States take concrete and meaningful steps to ensure that the time needed to verify the grounds for detention is as short as possible, and that a real prospect exists that such verification can be carried out successfully in the shortest possible time</i>		requires that Member States take concrete and meaningful steps to ensure that the time needed to verify the grounds for detention is as short as possible, and that a real prospect exists that such verification can be carried out successfully in the shortest possible time. Detention shall not exceed the time reasonably needed to complete the relevant procedures
		➡ (15a) The grounds for detention set out in this Directive are without prejudice to other grounds for detention applicable in the national legal order unrelated to the third country national's or stateless person's application for international protection. ⬅	➡ (15a) The grounds for detention set out in this Directive are without prejudice to other grounds for detention, <b>including detention grounds in the framework of criminal proceedings,</b> applicable in the national legal order unrelated to the third country national's or stateless person's



			application for international protection. ©
(16) <del>Reception of a</del> Applicants who are in detention ⇒ should be treated with full respect of human dignity and their reception ⇐ should be specifically designed to meet their needs in that situation. ⇒ In particular, Member States should ensure that Article 37 of the 1989 UN Convention on the Rights of the Child is applied. ⇐	(16) Applicants who are in detention should be treated with full respect <i>for</i> human dignity and their reception ⇐ should be specifically designed to meet their needs in that situation. In particular, Member States should ensure <i>compliance with</i> Article 37 of the 1989 UN Convention on the Rights of the Child.	(16) <del>Reception of a</del> Applicants who are in detention ⇒ should be treated with full respect of human dignity and their reception ⇐ should be specifically designed to meet their needs in that situation. ⇒ In particular, Member States should ensure that Article 37 of the 1989 UN Convention on the Rights of the Child is applied. ⇐	(16) <del>Reception of a</del> Applicants who are in detention ⇒ should be treated with full respect of human dignity and their reception ⇐ should be specifically designed to meet their needs in that situation. ⇒ In particular, Member States should ensure that Article 37 of the 1989 UN Convention on the Rights of the Child is applied.
(17) There may be cases where it is not possible in practice to immediately ensure certain reception guarantees in detention, for example due to the geographic location or the specific structure of the detention facility. However any derogation	[...]	(17) There may be cases where it is not possible in practice to immediately ensure certain reception guarantees in detention, for example due to the geographic location or the specific structure of the detention facility. However	Take Council text for recital (17)



to these guarantees should be of a temporary nature and applied only under the circumstances set out in this Directive. Derogations should only be applied in exceptional circumstances; they should be duly justified, taking into consideration the circumstances of each case including the level of severity of the derogation applied, its duration and its impact on the concerned individual.		any derogation to these guarantees should be of a temporary nature and applied only under the circumstances set out in this Directive. Derogations should only be applied in exceptional circumstances; they should be duly justified, taking into consideration the circumstances of each case including the level of severity of the derogation applied, its duration and its impact on the concerned individual.	
	<i>(17a) In most cases alternatives to detention are available which can better ensure asylum seekers' physical and psychological integrity and which are less costly for Member States. Member States shall lay down a presumption against detention of asylum seekers into national law, leaving it as an option only to be taken in the last resort, after</i>		<b>(17a) Detention of asylum seekers should be a measure of last resort and may be applied only after all non-custodial alternative measures to detention have been duly examined in order to better ensure the asylum seeker's physical and psychological integrity. Any alternative measure to detention must respect the</b>



	<p><i>all non-custodial alternative measures to detention have been exhausted. Non-custodial alternative measures to detention may include regular reporting to the authorities, deposit of a financial guarantee, obligation to stay at an assigned residence, and assignment to community supervision. Any alternative measure to detention must respect the fundamental human rights of asylum seekers. Such alternatives to detention should be further explored and data should be made available about Member States' current practices in this regard.</i></p>		<p><b>fundamental human rights of asylum seekers.</b></p>
<p>(18) In order to ensure compliance with the <del>minimum</del> procedural guarantees consisting in the opportunity to contact</p>	<p>(18) In order to ensure compliance with the procedural <i>safeguards</i> consisting in the</p>	<p>(18) In order to ensure compliance with the <del>minimum</del> procedural guarantees consisting in the opportunity to contact</p>	<p>EP suggestions for linguistic changes not admissible</p>



organisations or groups of persons that provide legal assistance, information should be provided on such organisations and groups of persons.	opportunity to contact organisations or groups of persons that provide legal assistance, information should be provided on such organisations and groups of persons.	organisations or groups of persons that provide legal assistance, information should be provided on such organisations and groups of persons.	
	<i>(18a) When deciding on housing arrangements, Member States should take due account of the best interests of the child, as well as of the particular circumstances of the dependency on the applicant for international protection of close relatives who are already present in the Member State and who are not family members of that applicant. In exceptional circumstances, where the close relative of the applicant for international protection is a married</i>		Related to Article 2(c), 18(4a) and 23(5).  <b>(18a). When deciding on housing arrangements, Member States should take due account of the best interests of the child, as well as of the particular circumstances of the applicant if he/she is dependent on family members or other close relatives such as unmarried minor siblings already present in the Member State.</b>



	<i>minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.</i>		
(19) In order to promote asylum-seekers' self-sufficiency and to limit wide discrepancies between Member States, it is essential to provide clear rules on the access of asylum seekers to the labour market. These rules should be consistent with the rules on the duration of the examination procedure as stipulated in Directive [.../.../EU/] [Asylum Procedures Directive].	(19) In order to promote asylum-seekers' self-sufficiency and to limit wide discrepancies between Member States, it is essential to provide clear rules on the access of asylum seekers to the labour market. These rules should be consistent with the rules on the duration of the examination procedure as stipulated in Directive [.../.../EU/] [Asylum Procedures Directive].	[(19) In order to promote asylum-seekers' self-sufficiency and to limit wide discrepancies between Member States, it is essential to provide clear rules on the access of asylum seekers to the labour market. ☞ [...] ☞	Take Council text for recital (19)
(20) To ensure that the material support provided to asylum seekers is in line with the principles set out in this Directive, it is necessary that Member States determine the	(20) To ensure that the material support provided to asylum seekers is in line with the principles set out in this Directive, it is	(20) To ensure that the material support provided to asylum seekers is in line with the principles set out in this Directive, it is necessary that Member States determine the	Related to Article 17(5). (20) To ensure that the material support provided to asylum seekers is in line with



level of such support on the basis of relevant and measurable points of reference.	necessary that Member States determine the level of such support on the basis of relevant and measurable points of reference <i>which ensure an adequate and dignified standard of living. The process of determining the level of support and the points of reference should be transparent and publicly accessible.</i>	level of such support on the basis of relevant <del>☞ [...]</del> <del>☞ references</del> <del>☞</del> .	the principles set out in this Directive, it is necessary that Member States determine the level of such support on the basis of relevant <del>☞ [...]</del> <del>☞ references</del> <del>☞</del> . This does not entail that the amount granted should be the same as for nationals. Member States may grant less favourable treatment to asylum seekers compared to nationals as specified in this Directive.
(21) The possibility of abuse of the reception system should be restricted by <del>☒</del> specifying the circumstances in which <del>☒ laying down cases for the reduction or withdrawal of</del> reception conditions for asylum seekers <del>☒</del> may be reduced or such reception withdrawn <del>☒</del> <del>☞</del> while at the same time ensuring a dignified standard of living for all	(21) The possibility of abuse of the reception system should be restricted by specifying the circumstances in which reception conditions for asylum seekers may be reduced or such reception withdrawn while at the same time ensuring a dignified	(21) The possibility of abuse of the reception system should be restricted by <del>☒</del> specifying the circumstances in which <del>☒ laying down cases for the reduction or withdrawal of</del> reception conditions for asylum seekers <del>☒</del> may be reduced or such reception withdrawn <del>☒</del> <del>☞</del> while at the same time ensuring a dignified	In combination with Article 20.  (21) The possibility of abuse of the reception system should be restricted by <del>☒</del> specifying the circumstances in which <del>☒ laying down cases for the reduction or withdrawal of</del>



asylum seekers ⇐.	standard of living for all asylum seekers.	standard of living for all asylum seekers ⇐.	reception conditions for asylum seekers ☒ may be reduced or such reception withdrawn ☒ ⇒ while at the same time ensuring a dignified standard of living for all asylum seekers ⇐.
(22) The efficiency of national reception systems and cooperation among Member States in the field of reception of asylum seekers should be secured.	(22) The efficiency of national reception systems and cooperation among Member States in the field of reception of asylum seekers should be secured.	(22) The efficiency of national reception systems and cooperation among Member States in the field of reception of asylum seekers should be secured.	Identical.
(23) Appropriate coordination should be encouraged between the competent authorities as regards the reception of asylum seekers, and harmonious relationships between local communities and accommodation centres should therefore be promoted.	(23) Appropriate coordination should be encouraged between the competent authorities as regards the reception of asylum seekers, and harmonious relationships between local communities and accommodation centres should therefore be promoted.	(23) Appropriate coordination should be encouraged between the competent authorities as regards the reception of asylum seekers, and harmonious relationships between local communities and accommodation centres should therefore be promoted.	Identical.



(24) <del>It is in the very nature of minimum standards that</del> Member States ☒ should ☒ have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.	(24) Member States should have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.	(24) <del>It is in the very nature of minimum standards that</del> Member States ☒ should ☒ have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.	Identical
(25) In this spirit, Member States are also invited to apply the provisions of this Directive in connection with procedures for deciding on applications for forms of protection other than that emanating from ⇒ Directive [...]/.../EU] [The Qualification Directive] ⇐ <del>the Geneva Convention for third country nationals and stateless persons.</del>	(25) In this spirit, Member States are also invited to apply the provisions of this Directive in connection with procedures for deciding on applications for forms of protection other than <i>those applicable under Directive 2011/95/EU.</i>	(25) In this spirit, Member States are also invited to apply the provisions of this Directive in connection with procedures for deciding on applications for forms of protection other than that emanating from ⇒ Directive [...]/.../EU] [The Qualification Directive] ⇐ <del>the Geneva Convention for third country nationals and stateless persons.</del>	Take Council text for recital (25)
(26) The implementation of this Directive should be evaluated at regular intervals.	(26) The implementation of this Directive should be evaluated at regular intervals.	(26) The implementation of this Directive should be evaluated at regular intervals.	Identical
(27) Since the objectives of the proposed action, namely to establish <del>minimum</del> standards on the reception of asylum seekers in	(27) Since the <i>objective</i> of <i>this Directive</i> , namely to establish standards on the reception of	(27) Since the objectives of the proposed action, namely to establish <del>minimum</del> standards on the reception of asylum	EP suggestions for linguistic changes not admissible.



<p>Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better achieved by the ☒ Union ☒ <del>Community</del>, the ☒ Union ☒ <del>Community</del> may adopt measures in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty <u>on 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 those objectives.</p>	<p>asylum seekers in Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better achieved <i>at Union level</i>, the Union may adopt measures in accordance with the <i>principle</i> of subsidiarity as set out in 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 <i>that objective</i>.</p>	<p>seekers in Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better achieved by the ☒ Union ☒ <del>Community</del>, the ☒ Union ☒ <del>Community</del> may adopt measures in accordance with the principles of subsidiarity as set out in Article 5 of the Treaty <u>on 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 those objectives.</p>	
		<p>➡(27a) 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</u></p>	<p>Take Council text for recital (27a).</p>



		with one or 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. ©	
<del>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 gave notice, by letter of 18 August 2001, of its wish to take part in the adoption and application of this Directive.</del>		<del>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 gave notice, by letter of 18 August 2001, of its wish to take part in the adoption and application of this Directive.</del>	
<del>In accordance with Article 1 of the said Protocol Ireland, is not participating in the adoption of this Directive. Consequently, and without prejudice to</del>		<del>In accordance with Article 1 of the said Protocol Ireland, is not participating in the adoption of this Directive. Consequently, and without</del>	



<del>Article 4 of the aforementioned Protocol, the provisions of this Directive do not apply to Ireland.</del>		<del>prejudice to Article 4 of the aforementioned Protocol, the provisions of this Directive do not apply to Ireland.</del>	
(28) 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 to the Treaty on the Functioning of the European Union and without prejudice to paragraph 2 of that Article, so long as the United Kingdom has not notified its wish to accept this measure, in accordance with Article 4 of that Protocol, it is not bound by it and continues to be bound by Directive 2003/9/EC.	(28) 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 to the Treaty on the Functioning of the European Union and without prejudice to paragraph 2 of that Article, so long as the United Kingdom has not notified its wish to accept this measure, in accordance with Article 4 of that Protocol, it is not bound by it and continues to be bound by Directive 2003/9/EC.	(28) In accordance with <del>☞ [...]</del> <del>☞</del> Articles 1, 2 and <del>☞</del> <del>☞</del> Article <del>☞</del> 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 to the Treaty on the Functioning of the European Union <del>☞</del> <del>☞</del> and without prejudice to <del>☞ [...]</del> <del>☞</del> Article 4 of that Protocol, <del>☞ the United Kingdom is not taking part in the adoption of this Directive and</del> <del>☞</del> <del>☞ [...]</del> <del>☞</del> is not bound by it <del>☞ or subject to its application</del> <del>☞</del> <del>☞ [...]</del> <del>☞</del> .	Take Council text for recital (28)



(29) In accordance with Article 1 of the said Protocol, <u>Ireland</u> is not taking part in the adoption of this Directive. Without prejudice to Article 4 of that Protocol, Ireland is therefore not bound by this Directive.	(29) In accordance with Article 1 of the said Protocol, Ireland is not taking part in the adoption of this Directive. Without prejudice to Article 4 of that Protocol, Ireland is therefore not bound by this Directive.	(29) In accordance with Article 1 of the said Protocol, <u>Ireland</u> is not taking part in the adoption of this Directive. Without prejudice to Article 4 of that Protocol, Ireland is therefore not bound by this Directive.	Identical
(30) 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 establishing the European Community</u> , Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	(30) 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.	(30) 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 establishing the European Community</u> , Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	Identical
(31) 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	(31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European	(31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European	(31) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European



respect for human dignity and to promote the application of Articles 1 ⇨, 6, 7, ⇨ <del>and</del> 18 ⇨, 21, 24 and 47 ⇨ of the said Charter ⇨ and has to be implemented accordingly ⇨.	Union ( <i>the Charter</i> ). In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, <b>4</b> , 6, 7, 18, 21, 24 and 47 of <i>the Charter</i> and <i>should</i> be implemented accordingly.	to ensure full respect for human dignity and to promote the application of Articles 1 ⇨, 6, 7, ⇨ <del>and</del> 18 ⇨, 21, 24 and 47 ⇨ of the said Charter ⇨ and has to be implemented accordingly ⇨.	Union. In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1 ⇨, <b>4</b> , 6, 7, ⇨ <del>and</del> 18 ⇨, 21, 24 and 47 ⇨ of the said Charter ⇨ and has to be implemented accordingly ⇨.
(32) 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.	(32) 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.	(32) 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
(33) 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.	(33) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into	(33) 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	Identical



	national law of <i>this</i> Directive set out in Annex II, Part B.	Annex II, Part B.	
HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
<b>CHAPTER I</b>	<b>CHAPTER I</b>	<b>CHAPTER I</b>	
<b>PURPOSE, DEFINITIONS AND SCOPE</b>	<b>PURPOSE, DEFINITIONS AND SCOPE</b>	<b>PURPOSE, DEFINITIONS AND SCOPE</b>	
<i>Article 1</i>	Article 1	<i>Article 1</i>	
<b>Purpose</b>	Purpose	<b>Purpose</b>	
The purpose of this Directive is to lay down <b>minimum</b> standards for the reception of asylum seekers in Member States.	The purpose of this Directive is to lay down standards for the reception of asylum seekers in Member States.	The purpose of this Directive is to lay down <b>minimum</b> standards for the reception of asylum seekers in Member States.	Identical



<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	
<b>Definitions</b>	<b>Definitions</b>	<b>Definitions</b>	
For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	Identical
<del>(a) "Geneva Convention" shall mean the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</del>		<del>(a) "Geneva Convention" shall mean the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</del>	
<del>(b) "application for asylum" shall mean the application made by a third-country national or a stateless person which can be understood as a request for international protection from a Member State, under the Geneva Convention. Any</del>		<del>(b) "application for asylum" shall mean the application made by a third-country national or a stateless person which can be understood as a request for international protection from a Member State, under the Geneva Convention. Any</del>	



<del>application for international protection is presumed to be an application for asylum unless a third-country national or a stateless person explicitly requests another kind of protection that can be applied for separately;</del>		<del>application for international protection is presumed to be an application for asylum unless a third-country national or a stateless person explicitly requests another kind of protection that can be applied for separately;</del>	
(a) "application for international protection" means an application for international protection as defined in point (h) of Article 2 of Directive [...]/.../EU [the Qualification Directive];	(a) "application for international protection" means an application for international protection as defined in point (h) of Article 2 of ___Directive 2011/95/EU;	(a) "application for international protection" means an application for international protection as defined in point (h) of Article 2 of Directive [...]/.../EU [the Qualification Directive];	Identical
<del>(b)(e)</del> "applicant" ☒, "applicant for international protection" ☒ or "asylum seeker" <del>shall mean</del> ☒ means ☒ a third country	(b) "applicant", "applicant for international protection" or "asylum seeker"	<del>(b)(e)</del> "applicant" ☒, "applicant for international protection" ☒ or "asylum seeker" <del>shall mean</del> ☒ means ☒ a third	Identical



<p>national or a stateless person who has made an application for <del>asylum</del> ⇒ international protection ⇐ in respect of which a final decision has not yet been taken;</p>	<p>means a third country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;</p>	<p>country national or a stateless person who has made an application for <del>asylum</del> ⇒ international protection ⇐ in respect of which a final decision has not yet been taken;</p>	
<p><del>(c)(d)</del> "family members" <del>shall mean</del> ☒ means ☒, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in the same Member State in relation to the application for <del>asylum</del> ⇒ international protection ⇐:</p>	<p>(c) "family members" means, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in the same Member State in relation to the application for international</p>	<p><del>(c)(d)</del> "family members" <del>shall mean</del> ☒ means ☒, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in the same Member State in relation to the application for <del>asylum</del> ⇒ international protection ⇐:</p>	<p>Article 2(c) in combination with Article 18 (4a) and 23 and recital (18a).</p> <p><del>c)(d)</del> "family members" <del>shall mean</del> ☒ means ☒, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in the</p>



	protection :		same Member State in relation to the application for <del>asylum</del> ⇒ international protection ⇐:
⊗ (i) <u>when the applicant is an adult</u> ; ⊗	[...]	⇒ [...] ⇐	⇒ [...] ⇐
⊕ = the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to <del>aliens</del> ⊗ third country nationals ⊗ ;	- the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way	⊕ = the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to <del>aliens</del> ⊗ third country nationals ⊗ ;	⊕ = the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way



	comparable to married couples under its law relating to third country nationals;		comparable to married couples under its law relating to <del>aliens</del> <input checked="" type="checkbox"/> third country nationals <input checked="" type="checkbox"/> ;
<p><del>(iii)</del> = the minor children of <del>the couple</del> <input checked="" type="checkbox"/> couples <input checked="" type="checkbox"/> referred to in <u>the first indent point (i)</u> or of the applicant, on condition that they are unmarried <del>and dependent</del> and regardless of whether they were born in or out of wedlock or adopted as defined under the national law;</p>	<p>- the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as</p>	<p><del>(iii)</del> = the minor children of <del>the couple</del> <input checked="" type="checkbox"/> couples <input checked="" type="checkbox"/> referred to in <u>the first indent point (i)</u> or of the applicant <input checked="" type="checkbox"/> for <u>international protection</u> <input checked="" type="checkbox"/> , on condition that they are unmarried <del>and dependent</del> and regardless of whether they were born in or out of wedlock or adopted</p>	<p><del>(iii)</del> = the minor children of <del>the couple</del> <input checked="" type="checkbox"/> couples <input checked="" type="checkbox"/> referred to in <u>the first indent point (i)</u> or of the applicant <input checked="" type="checkbox"/> for <u>international protection</u> <input checked="" type="checkbox"/> , on condition that they are unmarried <del>and dependent</del> and</p>



	defined under the national law;	as defined under the national law;	regardless of whether they were born in or out of wedlock or adopted as defined under the national law;
- the married minor children of couples referred to in the first indent of point (i) or of the applicant, regardless of whether they were born in or out of wedlock or adopted as defined under the national law, provided they are not accompanied by their spouses and it is in their best interests to consider them as family members;	- the married minor children of couples referred to in the first indent of point (i) <i>above</i> or of the applicant, regardless of whether they were born in or out of wedlock or adopted as defined under the national law, provided they are not accompanied by their spouses and it is in their best interests to consider	☞ [...] ☜	☞ [...] ☜



	them as family members;		
(ii) when the applicant is an unmarried minor:	[.../	☞ [...] ☹	☞ [...] ☹
- the father, mother, regardless of whether the applicant was born in or out of wedlock or adopted as defined under the national law, or the adult responsible for the applicant whether by law or by the national practice of the Member State concerned ;	- the father, mother, <i>or another adult responsible for the applicant for international protection whether by law or by the practice of the Member State concerned, when the latter is a minor and unmarried;</i>	- the father, mother ☞ [...] ☹ or ☞ another ☹ ☞ [...] ☹ adult responsible for the applicant ☞ for international protection ☹ whether by law or by the national practice of the Member State concerned ☞ , when the latter is a minor and unmarried. ☹	- the father, mother ☞ [...] ☹ or ☞ another ☹ ☞ [...] ☹ adult responsible for the applicant ☞ for international protection ☹ whether by law or by the national practice of the Member State concerned ☞ , when the latter is a minor and unmarried. ☹
- the minor siblings of the applicant, regardless of	[.../	☞ [...] ☹	☞ [...] ☹



whether they were born in or out of wedlock or adopted as defined under the national law, provided they are unmarried or married but not accompanied by their spouses and it is in their best interests to be considered family members;			
	<i>(vi) dependent adults with special needs;</i>		EP AM not included
(iii) when the applicant is a married minor, the persons referred to in point (ii) provided the applicant is not accompanied by his/her spouse and it is in the best interests of the applicant	<i>[...]</i>	☞ [...] ☞	☞ [...] ☞



or his/her siblings to consider the persons referred to in point (ii) as family members.			
<del>(e) "refugee" shall mean a person who fulfils the requirements of Article 1(A) of the Geneva Convention;</del>		<del>(e) "refugee" shall mean a person who fulfils the requirements of Article 1(A) of the Geneva Convention;</del>	
<del>(f) "refugee status" shall mean the status granted by a Member State to a person who is a refugee and is admitted as such to the territory of that Member State;</del>		<del>(f) "refugee status" shall mean the status granted by a Member State to a person who is a refugee and is admitted as such to the territory of that Member State;</del>	
<del>(g) "procedures" and "appeals", shall means the procedures and appeals established by Member States in their national law;</del>		<del>(g) "procedures" and "appeals", shall means the procedures and appeals established by Member States in their national law;</del>	



(d) "minor" means a third-country national or stateless person below the age of 18 years;	(d) "minor" means a third-country national or stateless person below the age of 18 years;	(d) "minor" means a third-country national or stateless person below the age of 18 years;	Identical
(e)(h) <del>"unaccompanied minors" shall mean</del> <input checked="" type="checkbox"/> means <input checked="" type="checkbox"/> $\Rightarrow$ a minor $\Leftarrow$ <del>persons below the age of eighteen</del> who <u>arrive</u> <input checked="" type="checkbox"/> arrives <input checked="" type="checkbox"/> in the territory of the Member States unaccompanied by an adult responsible for <del>them</del> <u>him/her</u> whether by law or by $\Rightarrow$ the national practice of the Member State concerned $\Leftarrow$ <del>custom</del> , and for as long as <del>they are</del> <input checked="" type="checkbox"/> he/she is <input checked="" type="checkbox"/> not effectively taken into the care of such a person; it <del>shall include minors</del> <input checked="" type="checkbox"/> includes a minor <input checked="" type="checkbox"/> who	(e) "unaccompanied minor" means a minor who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by the national practice of the Member State concerned, and for as long as he/she is not effectively taken into the care of such a person; it includes a	(e)(h) <del>"unaccompanied minors" shall mean</del> <input checked="" type="checkbox"/> means <input checked="" type="checkbox"/> $\Rightarrow$ a minor $\Leftarrow$ <del>persons below the age of eighteen</del> who <u>arrive</u> <input checked="" type="checkbox"/> arrives <input checked="" type="checkbox"/> in the territory of the Member States unaccompanied by an adult responsible for <del>them</del> <u>him/her</u> whether by law or by $\Rightarrow$ the national practice of the Member State concerned $\Leftarrow$ <del>custom</del> , and for as long as <del>they are</del> <input checked="" type="checkbox"/> he/she is <input checked="" type="checkbox"/> not effectively taken into the care of such a person; it <del>shall include minors</del> <input checked="" type="checkbox"/> includes a	Identical



<p><del>is</del> <del>are</del> left unaccompanied after <del>they have</del> <del>he/she</del> has <del>the</del> entered the territory of Member States;</p>	<p>minor who is left unaccompanied after he/she has entered the territory of <del>the</del> Member States;</p>	<p>minor <del>who</del> <del>is</del> <del>are</del> left unaccompanied after <del>they have</del> <del>he/she</del> has <del>the</del> entered the territory of Member States;</p>	
<p><del>(f)(i)</del> "reception conditions" <del>shall mean</del> <del>means</del> <del>the</del> full set of measures that Member States grant to asylum seeker in accordance with this Directive;</p>	<p>(f) "reception conditions" means the full set of measures that Member States <i>apply</i> to asylum <i>seekers</i> in accordance with this Directive;</p>	<p><del>(f)(i)</del> "reception conditions" <del>shall mean</del> <del>means</del> <del>the</del> full set of measures that Member States grant to asylum seeker in accordance with this Directive;</p>	<p>EP suggestion for linguistic change not admissible</p>
<p><del>(g)(i)</del> "material reception conditions" <del>shall mean</del> <del>means</del> <del>the</del> reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, <del>⇒ or a combination of the three ⇐</del>, and a daily</p>	<p>(g) "material reception conditions" means the reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the</p>	<p><del>(g)(i)</del> "material reception conditions" <del>shall mean</del> <del>means</del> <del>the</del> reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, <del>⇒ or a combination of the three ⇐</del>, and a daily</p>	<p>Identical</p>







expenses allowance;	three, and a daily <i>expense</i> allowance;	expenses allowance;	
<del>(h)(4)</del> "detention" <del>shall mean</del> ☒ means ☒ confinement of an asylum seeker by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement;	(h) "detention" means confinement of an asylum seeker by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement;	<del>(h)(4)</del> "detention" <del>shall mean</del> ☒ means ☒ confinement of an asylum seeker by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement;	Identical
<del>(i)(4)</del> "accommodation centre" <del>shall</del> <del>mean</del> ☒ means ☒ any place used for collective housing of asylum seekers; <u>3</u>	(i) "accommodation centre" means any place used for collective housing of asylum seekers;	<del>(i)(4)</del> "accommodation centre" <del>shall</del> <del>mean</del> ☒ means ☒ any place used for collective housing of asylum seekers; <u>3</u>	Identical
(j) "representative" means a person or an organisation appointed by the competent bodies to act as a legal guardian	(j) "representative" means a person or an organisation appointed by the	(j) "representative" means a person or an organisation appointed by the competent bodies ➞ [...] in order to	Article 2(j) in combination with Article 24(1).  (j) "representative"



<p>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;</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</p>	<p>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 <del>is</del> appointed <del>as</del> <del>...</del> as a representative, it shall <del>designate</del> <del>...</del> a person responsible for carrying out the duties of <del>this</del> organisation <del>in</del> <del>...</del> in respect of the minor, in accordance with this Directive;</p>	<p>means a person or an organisation appointed by the competent bodies <del>...</del> 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 <del>is</del> appointed <del>as</del> <del>...</del> as a representative, it shall <del>designate</del> <del>...</del> a person responsible for</p>
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	<p>with this Directive.</p> <p><i>The organisation must ensure that the “representative” has sufficient resources to represent the minor and has the chance to develop a relationship based on mutual trust with the minor;</i></p>		<p>carrying out the duties of  this organisation </p> <p> [...]  in respect of the minor, in accordance with this Directive;</p>
<p>(k) "applicant with special reception needs" means a vulnerable applicant, in line with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive.</p>	<p>(k) "applicant with special reception needs" means a vulnerable applicant, in line with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations</p>	<p>(k) "applicant with special reception needs" means a vulnerable applicant, in line with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive.</p>	Identical



	provided for in this Directive.		
<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	
<i>Scope</i>	<i>Scope</i>	<i>Scope</i>	
<p>1. This Directive shall apply to all third country nationals and stateless persons who make an application for <del>asylum</del> ⇒ international protection ⇐ <del>at the border, or</del> in the territory, ☒ including at the border, ⇐ ⇒ in the territorial waters or in the transit zones, ⇐ of a Member State, as long as they are allowed to remain on the territory as asylum seekers, as well as to family members, if they are covered by such application for ⇒ international</p>	<p>1. This Directive shall apply to all third country nationals and stateless persons who make an application for international protection in the territory, including at the border, in the territorial waters or in the transit zones, of a Member State, as long as they are allowed to remain on the territory as asylum seekers, as</p>	<p>1. This Directive shall apply to all third country nationals and stateless persons who make an application for <del>asylum</del> ⇒ international protection ⇐ <del>at the border, or</del> in the territory, ☒ including at the border, ⇐ ⇒ in the territorial waters or in the transit zones, ⇐ of a Member State, as long as they are allowed to remain on the territory as asylum seekers, as well as to family members, if they are covered by such</p>	<p>EP suggestion for linguistic change not admissible.</p>



protection ⇐ <del>asylum</del> according to the national law.	well as to family members, if they are covered by such application for international protection according to the <i>applicable</i> national law.	application for ⇨ international protection ⇐ <del>asylum</del> according to the national law.	
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 <i>to</i> 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.	EP suggestion for linguistic change not admissible.
3. This Directive shall not apply when the provisions of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of	3. This Directive shall not apply when the provisions of Council Directive 2001/55/EC of 20 July 2001 on minimum standards	3. This Directive shall not apply when the provisions of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection	Identical



displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof <sup>1</sup> are applied.	for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof are applied.	in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof <sup>2</sup> are applied.	
4. Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from ⇒ Directive [...]/.../EU] [the	4. Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds	4. Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from ⇒ Directive [...]/.../EU] [the	EP suggestion on "those applicable" not admissible.

<sup>1</sup> OJ L 212, 7.8.2001, p. 12.

<sup>2</sup> OJ L 212, 7.8.2001, p. 12.



<del>Qualification Directive] ⇐ the Geneva Convention for third country nationals or stateless persons who are found not to be refugees.</del>	of protection other than <i>those applicable under</i> Directive 2011/95/EU.	<del>Qualification Directive] ⇐ the Geneva Convention for third country nationals or stateless persons who are found not to be refugees.</del>	
<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>	
<b>More favourable provisions</b>	<b>More favourable provisions</b>	<b>More favourable provisions</b>	
Member States may introduce or retain more favourable provisions in the field of reception conditions for asylum seekers and other close relatives of the applicant who are present in the same Member State when they are dependent on him or for humanitarian reasons insofar as these provisions are compatible with this Directive.	Member States may introduce or retain more favourable provisions in the field of reception conditions for asylum seekers and other close relatives of <i>asylum seekers</i> who are present in the same Member State when they are dependent on <i>the asylum seeker</i> or for humanitarian reasons insofar as <i>those</i> provisions are compatible with	Member States may introduce or retain more favourable provisions in the field of reception conditions for asylum seekers and other close relatives of the applicant who are present in the same Member State when they are dependent on him or for humanitarian reasons insofar as these provisions are compatible with this Directive.	Identical



	this Directive.		
<b>CHAPTER II</b>	<b>CHAPTER II</b>	<b>CHAPTER II</b>	
<b>GENERAL PROVISIONS ON RECEPTION CONDITIONS</b>	<b>GENERAL PROVISIONS ON RECEPTION CONDITIONS</b>	<b>GENERAL PROVISIONS ON RECEPTION CONDITIONS</b>	
<i>Article 5</i>	<i>Article 5</i>	<i>Article 5</i>	
<b>Information</b>	<b>Information</b>	<b>Information</b>	
1. Member States shall inform asylum seekers, within a reasonable time not exceeding fifteen days after they have lodged their application for <del>⇒ international protection ⇐</del> <del>asylum with the competent authority</del> , of at least any established benefits and of the	1. Member States shall inform asylum seekers, within a reasonable time not exceeding fifteen days after they have lodged their application for international protection, of at least	1. Member States shall inform asylum seekers, within a reasonable time not exceeding fifteen days after they have lodged their application for <del>⇒ international protection ⇐</del> <del>asylum with the competent authority</del> , of at least any	Identical



obligations with which they must comply relating to reception conditions.	any established benefits and of the obligations with which they must comply relating to reception conditions.	established benefits and of the obligations with which they must comply relating to reception conditions.	
Member States shall ensure that applicants are provided with information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform them concerning the available reception conditions, including health care.	Member States shall ensure that applicants are provided with information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform them concerning the available reception conditions, including health care.	Member States shall ensure that applicants are provided with information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform them concerning the available reception conditions, including health care.	Identical



2. Member States shall ensure that the information referred to in paragraph 1 is in writing and, <del>as far as possible</del> , in a language that the applicants $\Rightarrow$ understand or $\Leftarrow$ <del>may</del> $\boxtimes$ are $\boxtimes$ reasonably <del>be</del> supposed to understand. Where appropriate, this information may also be supplied orally.	2. Member States shall ensure that the information referred to in paragraph 1 is in writing and, in a language that the applicants understand or <i>may</i> reasonably <i>be presumed</i> to understand. Where appropriate, this information may also be supplied orally.	2. Member States shall ensure that the information referred to in paragraph 1 is in writing and, <del>as far as possible</del> , in a language that the applicants $\Rightarrow$ understand or $\Leftarrow$ <del>may</del> $\boxtimes$ are $\boxtimes$ reasonably <del>be</del> supposed to understand. Where appropriate, this information may also be supplied orally.	Take Council text for paragraph 2.
<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	
<b>Documentation</b>	<b>Documentation</b>	<b>Documentation</b>	
1. Member States shall ensure that, within three days after an application $\Rightarrow$ for international protection $\Leftarrow$ is lodged <del>with the</del>	1. Member States shall ensure that, within three days after an application for	1. Member States shall ensure that, within three days after an application $\Rightarrow$ for international protection $\Leftarrow$ is	Identical



<p><del>competent authority</del>, the applicant is provided with a document issued in his or her own name certifying his or her status as an asylum seeker or testifying that he or she is allowed to stay in the territory of the Member State while his or her application is pending or being examined.</p>	<p>international protection is lodged, the applicant is provided with a document issued in his or her own name certifying his or her status as an asylum seeker or testifying that he or she is allowed to stay in the territory of the Member State while his or her application is pending or being examined.</p>	<p>lodged <del>with the competent authority</del>, the applicant is provided with a document issued in his or her own name certifying his or her status as an asylum seeker or testifying that he or she is allowed to stay in the territory of the Member State while his or her application is pending or being examined.</p>	
<p>If the holder is not free to move within all or a part of the territory of the Member State, the document shall also certify this fact.</p>	<p>If the holder <i>of the document referred to in the first subparagraph</i> is not free to move within</p>	<p>If the holder is not free to move within all or a part of the territory of the Member State, the document shall also certify this fact.</p>	<p>EP suggestions for linguistic change not admissible.</p>



	all or a part of the territory of the Member State, the document shall also certify this fact.		
2. Member States may exclude application of this Article when the asylum seeker is in detention and during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> made at the border or within the context of a procedure to decide on the right of the applicant <del>legally</del> to enter the territory of a Member State. In specific cases, during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> , Member States may provide applicants with other	2. Member States may exclude application of this Article when <i>an</i> asylum seeker is in detention and during the examination of an application for international protection made at the border or within the context of a procedure to decide on the right of the applicant to enter the territory of a Member State. In specific cases, during	2. Member States may exclude application of this Article when the asylum seeker is in detention and during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> made at the border or within the context of a procedure to decide on the right of the applicant <del>legally</del> to enter the territory of a Member State. In specific cases, during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> ,	EP suggestion for linguistic change not admissible.



evidence equivalent to the document referred to in paragraph 1.	the examination of an application for international protection, Member States may provide applicants with other evidence equivalent to the document referred to in paragraph 1.	Member States may provide applicants with other evidence equivalent to the document referred to in paragraph 1.	
3. The document referred to in paragraph 1 need not certify the identity of the asylum seeker.	3. The document referred to in paragraph 1 need not certify the identity of the asylum seeker.	3. The document referred to in paragraph 1 need not certify the identity of the asylum seeker.	Identical
4. Member States shall adopt the necessary measures to provide asylum seekers with the document referred to in paragraph 1, which must be valid for as long as they are authorised to remain in the	4. Member States shall adopt the necessary measures to provide asylum seekers with the document referred to in paragraph 1, which must be valid	4. Member States shall adopt the necessary measures to provide asylum seekers with the document referred to in paragraph 1, which must be valid for as long as they are authorised to remain in the	Take Council text for paragraph 4



territory of the Member State concerned <del>or at the border thereof</del>	for as long as they are authorised to remain in the territory <i>or at the border</i> of the Member State concerned.	territory of the Member State concerned <del>or at the border thereof</del>	
5. Member States may provide asylum seekers with a travel document when serious humanitarian reasons arise that require their presence in another State.	5. Member States may provide asylum seekers with a travel document when serious humanitarian reasons arise that require their presence in another State.	5. Member States may provide asylum seekers with a travel document when serious humanitarian reasons arise that require their presence in another State.	Identical
6. Member States shall not impose any documentation or other administrative requirements on asylum seekers before granting the rights to which they are entitled under this Directive for the sole reason that they are	6. Member States shall not impose any documentation or other administrative requirements on asylum seekers before granting the rights to	☞ [...] ☛	6. Member States shall not impose <b>any unnecessary or disproportionate</b> documentation or other administrative requirements on



applicants for international protection.	which they are entitled under this Directive for the sole reason that they are applicants for international protection.		asylum seekers before granting the rights to which they are entitled under this Directive for the sole reason that they are applicants for international protection.
<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>	
<b>Residence and freedom of movement</b>	<b>Residence and freedom of movement</b>	<b>Residence and freedom of movement</b>	
1. Asylum seekers may move freely within the territory of the host Member State or within an area assigned to them by that Member State. The assigned area shall not affect the unalienable sphere of private	1. Asylum seekers may move freely within the territory of the host Member State or within an area assigned to them by that Member State.	1. Asylum seekers may move freely within the territory of the host Member State or within an area assigned to them by that Member State. The assigned area shall not affect the unalienable sphere	Take Council text for paragraph 1.



life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive.	The assigned area shall not affect the unalienable sphere of private life and shall allow sufficient scope for <i>ensuring</i> access to all benefits under this Directive.	of private life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive.	
2. Member States may decide on the residence of the asylum seeker for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application ⇒ for international protection ⇐.	2. Member States may decide on the residence of the asylum seeker for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application for international	2. Member States may decide on the residence of the asylum seeker for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application ⇒ for international protection ⇐.	Identical



	protection.		
<del>3. When it proves necessary, for example for legal reasons or reasons of public order, Member States may confine an applicant to a particular place in accordance with their national law.</del>		<del>3. When it proves necessary, for example for legal reasons or reasons of public order, Member States may confine an applicant to a particular place in accordance with their national law.</del>	
<u>3.4.</u> Member States may make provision of the material reception conditions subject to actual residence by the applicants in a specific place, to be determined by the Member States. Such a decision, which may be of a general nature, shall be taken individually and established by national legislation.	3. Member States may make provision of the material reception conditions subject to actual residence by the applicants in a specific place, to be determined by the Member States. Such a decision, which may be of a general nature, shall be taken individually and	<u>3.4.</u> Member States may make provision of the material reception conditions subject to actual residence by the applicants in a specific place, to be determined by the Member States. Such a decision, which may be of a general nature, shall be taken individually and established by national legislation.	Identical



	established by national legislation.		
	4. <i>When it proves necessary, for example for legal reasons or reasons of public policy, Member States may confine an applicant to a specific place in accordance with their national law.</i>		EP AM not taken up EP given provisions on detention.
<del>4.5</del> Member States shall provide for the possibility of granting applicants temporary permission to leave the place of residence mentioned in paragraphs 2 and <del>43</del> and/or the assigned area mentioned in paragraph 1. Decisions shall be taken individually, objectively and	4. Member States shall provide for the possibility of granting applicants temporary permission to leave the place of residence <i>referred to</i> in paragraphs 2 and 3 and/or the assigned	<del>4.5</del> Member States shall provide for the possibility of granting applicants temporary permission to leave the place of residence mentioned in paragraphs 2 and <del>43</del> and/or the assigned area mentioned in paragraph 1. Decisions shall be taken individually,	EP suggestions for linguistic changes not admissible.



impartially and reasons shall be given if they are negative.	area <i>referred to</i> in paragraph 1. Decisions shall be taken individually, objectively and impartially and reasons shall be given if they are negative.	objectively and impartially and reasons shall be given if they are negative.	
The applicant shall not require permission to keep appointments with authorities and courts if his or her appearance is necessary.	The applicant shall not require permission to keep appointments with authorities and courts if his or her appearance is necessary.	The applicant shall not require permission to keep appointments with authorities and courts if his or her appearance is necessary.	Identical
<del>5.6.</del> Member States shall require applicants to inform the competent authorities of their current address and notify any change of address to such	5. Member States shall require applicants to inform the competent authorities of their current address and notify any change of	<del>5.6.</del> Member States shall require applicants to inform the competent authorities of their current address and notify any change of address to such authorities as soon as	Identical



authorities as soon as possible.	address to such authorities as soon as possible.	possible.	
<i>Article 8</i>	<i>Article 8</i>	<i>Article 8</i>	
<b>Detention</b>	<b>Detention</b>	<b>Detention</b>	
1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection in accordance with Directive [.../.../EU] [the Asylum Procedures Directive].	1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection in accordance with Directive [.../.../EU] [the Asylum Procedures Directive].	1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection in accordance with Directive [.../.../EU] [the Asylum Procedures Directive].	Identical
2. When it proves necessary and on the basis of an individual	2. When it proves necessary and on the	2. When it proves necessary and on the basis of an individual	Identical



assessment of each case, Member States may detain an applicant, if other less coercive alternative measures cannot be applied effectively.	basis of an individual assessment of each case, Member States may detain an applicant, if other less coercive alternative measures cannot be applied effectively.	assessment of each case, Member States may detain an applicant, if other less coercive alternative measures cannot be applied effectively.	
3. Without prejudice to Article 11 and to detention in the framework of criminal proceedings, an applicant may only be detained:	3. Without prejudice to Article 11 <i>of this Directive and Article 5 of the ECHR</i> and to detention in the framework of criminal proceedings, an applicant may only be detained:	3. [...] An applicant may only be detained :	3. [...] An applicant may only be detained :
(a) in order to determine or verify his/her identity or nationality;	(a) in order to determine or verify his/her identity or	(a) in order to determine or verify his/her identity or nationality;	(a) in order to determine or verify his/her identity or



	nationality;		nationality;
(b) in order to determine, within the context of a preliminary interview, the elements on which the application for international protection is based which could not be obtained in the absence of detention;	(b) in order to determine, within the context of a preliminary interview, the elements on which the application for international protection is based which could not be obtained in the absence of detention;	(b) in order to determine ☞ [...] ☞ the elements on which the application for international protection is based which could not be obtained in the absence of detention ☞, in particular when there is a risk of absconding ☞ ;	(b) in order to determine ☞ [...] ☞ the elements on which the application for international protection is based which could not be obtained in the absence of detention ☞, in particular when there is a risk of absconding ☞ ;
(c) in the context of a procedure, to decide on the right to enter the	(c) in the context of a procedure, to decide on the right to enter the	(c) in the context of a procedure, to decide on the right to enter the	(c) in the context of a procedure, to decide on the right to enter the



territory;	territory;	territory;	territory;
		<p> <del>⇒ (d) ⇒</del> When the Member State can substantiate that the applicant without delay for no justifiable reason has not turned to the competent authorities to request for asylum, but - although there is effective access to apply for asylum - has only made the application after being apprehended on grounds of an illegal stay, or </p>	<p> <del>⇒ (d) ⇒</del> <del>When the Member State can substantiate that the applicant without delay for no justifiable reason has not turned to the competent authorities to request for asylum, but - although there is effective access to apply for asylum - has only made the application after being apprehended on grounds of an illegal stay, or</del> </p>



		<p>☞ when he/she is  ☞ already ☞ detained  ☞ subject to a return  procedure ☞ in order to  prepare the return  and/or carry on the  removal process and  ☞ there are reasonable  grounds to believe  that ☞ ☞ [...] ☞ he/she  makes ☞ the ☞  ☞ [...] ☞ application  for international  protection merely in  order to delay or  frustrate the  enforcement of  ☞ the ☞ ☞ [...] ☞  return ☞ decision ☞  ☞ [...] ☞ ; ☞</p>	<p>☞ when he/she is  ☞ <b>already</b> ☞  detained ☞ subject to  a return procedure ☞  <b>under Directive</b>  <b>2008/115/EC in order</b>  to prepare the return  and/or carry on the  removal process and  <b>the Member State</b>  <b>can substantiate on</b>  <b>the basis of objective</b>  <b>criteria, including</b>  <b>that he/she already</b>  <b>had the opportunity</b>  <b>to access the asylum</b>  <b>procedure, that</b>  ☞ there are  reasonable grounds to  believe that ☞  ☞ [...] ☞ he/she  makes ☞ the ☞</p>
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			<p>             ➔ [...] ➔ application              for international              protection merely in              order to delay or              frustrate the              enforcement of              ➔ the ➔ [...] ➔              return ➔ decision ➔              ➔ [...] ➔ ; ➔           </p>
<p>             (d) when protection of              national security or public              order so requires.           </p>	<p>             (d) when protection              of national              security or              public order so              requires.           </p>	<p>             (➔ e ➔ ➔ [...] ➔) when              protection of national              security or public order              so requires.           </p>	<p>             (➔ e ➔ ➔ [...] ➔)              when              protection of              national security              or public order              so requires.           </p>
		<p>             ➔ (f) in accordance with              ➔ Article 27 of ➔              Regulation (EC) No              [...] [...] [Dublin           </p>	<p>             ➔ (f) in accordance              with ➔ Article              27 of ➔              Regulation (EC)           </p>



		Regulation ➡ [...] Ⓒ _ Ⓒ	No [...] [.../...] [Dublin Regulation ➡ [...] Ⓒ _ Ⓒ
These grounds shall be laid down in national law.	These grounds shall be laid down in national law <i>and shall be regularly reported to the Commission, EASO and the European Parliament.</i>	➡ [...] Ⓒ ➡ Grounds Ⓒ ➡ for detention Ⓒ shall be laid down in national law .	➡ [...] Ⓒ ➡ Grounds Ⓒ Ⓒ ➡ for detention Ⓒ shall be laid down in national law .
4. Member States shall ensure that rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place, are laid down in national law.	4. Member States shall ensure that rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an	4. Member States shall ensure that ➡ any Ⓒ rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place, are	4. Member States shall ensure that ➡ <del>any</del> Ⓒ rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an




	obligation to stay at an assigned place, are laid down in national law.	laid down in national law.	obligation to stay at an assigned place, are laid down in national law.
Article 9	Article 9	Article 9	
<b>Guarantees for detained asylum seekers</b>	Guarantees for detained asylum seekers	<b>Guarantees for detained asylum seekers</b>	Article 9 paragraphs (1) to (4) in combination with recital (15a) EP on review of the detention order.
1. Detention shall be for as short a period as possible and shall only be maintained for as long as the grounds set out in Article 8(3) are applicable.	1. Detention shall be <i>ordered for the shortest period possible. In particular, the period of detention pursuant to Article 8(2) (a), (b) or (c) shall not exceed the time</i>	1. Detention shall be for as short a period as possible and shall only be maintained for as long as the grounds set out in Article 8(3) are applicable.	1. Detention shall be for as short a period as possible and shall only be maintained for as long as the grounds set out in Article 8(3) are applicable.



	<p><i>reasonably needed to complete the administrative procedures required in order to obtain information on the asylum seeker's nationality or identity or on the elements on which his application is based, or to complete the relevant procedure with a view to deciding on his/her right to enter the territory. The average period of detention and the reasons for detention shall be regularly reported to the Commission, EASO and the</i></p>		
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	<i>European Parliament.</i>		
Administrative procedures relevant to the grounds set out in Article 8(3) shall be executed with due diligence. Delays in the administrative procedures that cannot be attributed to the asylum seeker shall not justify a continuation of detention.	Administrative procedures relevant to the grounds set out in Article 8(3) shall be executed with due diligence. Delays in the administrative procedures that cannot be attributed to the asylum seeker shall not justify a continuation of detention.	Administrative procedures relevant to the grounds set out in Article 8(3) shall be executed with due diligence. Delays in the administrative procedures that cannot be attributed to the asylum seeker shall not justify a continuation of detention.	Identical
2. Detention shall be ordered by judicial or administrative authorities. Where detention is ordered by administrative authorities, it shall be confirmed by judicial authorities within 72	2. Detention shall be ordered by judicial [...] authorities. <i>In urgent cases it may be ordered by administrative</i>	2. Detention shall be ordered by judicial or administrative authorities. Where detention is ordered by administrative authorities,  Member States shall provide for a speedy	2. Detention shall be ordered by judicial or administrative authorities. Where detention is ordered by administrative



<p>hours from the beginning of the detention. Where the judicial authority finds detention to be unlawful, or there is no decision within 72 hours, the asylum seeker concerned shall be released immediately.</p>	<p><i>authorities, in which case the detention order</i> shall be confirmed by judicial authorities within 72 hours from the beginning of the detention. Where the judicial authority finds detention to be unlawful, or there is no decision within <i>that 72 hour period</i>, the asylum seeker concerned shall be released immediately.</p>	<p>judicial review of the lawfulness of detention conducted ex officio and/or on the request of the applicant. ➡ The review of the lawfulness of detention shall be decided on as speedily as possible from the beginning of detention in the case of the <i>ex officio</i> review. In the case of a review on the request of the applicant, the lawfulness of the detention shall be subject to a review to be decided on as speedily as possible after the launch of the relevant proceedings. To this end, ☹ Member States shall define in national law a ➡ [...] ☹ period within which the ex officio review and/or the review on request</p>	<p>authorities,</p> <p>➡ Member States shall provide for a speedy judicial review of the lawfulness of detention conducted ex officio and/or on the request of the applicant. ➡ The review of the lawfulness of detention shall be decided on as speedily as possible from the beginning of detention in the case of the <i>ex officio</i> review. In the case of a review on the request of the applicant, the lawfulness of the detention shall be</p>
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		<p>of the applicant shall be conducted. ☹</p>	<p>subject to a review to be decided on as speedily as possible after the launch of the relevant proceedings. To this end, ☹ Member States shall define in national law a ☹ [...] ☹ period within which the ex officio review and/or the review on request of the applicant shall be conducted. ☹</p> <p>☹ <b>Detained asylum seekers shall immediately be informed in writing of the reasons for detention and the procedures laid</b></p>
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			<p><u>down in national law</u></p> <p><u>for challenging the</u></p> <p><u>detention order and</u></p> <p><u>the possibility to</u></p> <p><u>request free legal</u></p> <p><u>assistance and</u></p> <p><u>representation</u>☹</p> <p>☞ [...] ☹, in a</p> <p>language ☞ they</p> <p><u>understand</u> ☹</p> <p>☞ [...] ☹ or</p> <p>☞ are ☹</p> <p>☞ [...] ☹ reasonably</p> <p>supposed to</p> <p><u>understand.</u></p> <p>☞ [...] ☹.</p>
		<p>☞ [...] ☹ ☞ The applicant ☹</p> <p>concerned shall be released</p> <p>immediately ☞ if the</p> <p><u>detention is not lawful</u> ☹ .</p>	<p>☞ [...] ☹ ☞ The</p> <p>applicant ☹</p> <p>concerned shall be</p> <p>released immediately</p> <p>☞ if the detention is</p>



			not lawful ☹ .
3. Detention shall be ordered in writing. The detention order shall state the reasons in fact and in law on which it is based and the procedures laid down in national law for challenging it, in a language the asylum seeker understands or is reasonably supposed to understand. It shall immediately be provided to the detained asylum seeker.	3. Detention shall be ordered in writing. The detention order shall state the reasons in fact and in law on which it is based, <i>shall specify the maximum period of detention</i> and the procedures laid down in national law for challenging it, in a language the asylum seeker understands or is reasonably supposed to understand. It shall immediately be provided to the detained asylum	3. Detention shall be ordered in writing. The detention order shall state the reasons in fact and in law on which it is based ☹ . ☹	3. Detention shall be ordered in writing. The detention order shall state the reasons in fact and in law on which it is based ☹ . ☹



	seeker.		
		<p> <del>⇒ Detained asylum seekers shall immediately be informed of the reasons for detention and the procedures laid down in national law for challenging the detention order</del> <del>☞ ... ☞</del>, in a language           <del>☞ they understand</del> <del>☞ ... ☞</del> or           <del>☞ are</del> <del>☞ ... ☞</del> reasonably supposed to understand.           <del>☞ ... ☞</del>.         </p>	<p> <del>⇒ Detained asylum seekers shall immediately be informed of the reasons for detention and the procedures laid down in national law for challenging the detention order</del> <del>☞ ... ☞</del>, in a language           <del>☞ they understand</del> <del>☞ ... ☞</del> or           <del>☞ are</del> <del>☞ ... ☞</del> reasonably supposed to understand.           <del>☞ ... ☞</del>.         </p>
<p>4. Detention shall be reviewed by a judicial authority at reasonable intervals of time, either ex officio or on request by the asylum seeker concerned, in particular whenever it is of a prolonged duration or relevant circumstances arise or new</p>	<p>4. Detention shall be reviewed by a judicial authority at reasonable intervals of time, either ex officio or on request by the asylum seeker concerned, in</p>	<p>4. Detention shall be reviewed by a judicial authority at reasonable intervals of time, <del>☞ ... ☞</del>ex officio <del>☞ and/ ☞</del> or on request by the asylum seeker concerned, in particular whenever it is of a prolonged duration or</p>	<p>Take Council text for paragraph 4.</p>



information becomes available which may affect the lawfulness of detention.	particular whenever it is of a prolonged duration or relevant circumstances arise or new information becomes available which may affect the lawfulness of detention.	relevant circumstances arise or new information becomes available which may affect the lawfulness of detention.	
5. In cases of an appeal or review of the detention order, Member States shall ensure that asylum seekers have access to free legal assistance and representation, where they cannot afford the costs involved and in so far as it is necessary to ensure their effective access to justice.	5. [...] Member States shall ensure that asylum seekers have access to free legal assistance and representation, where they cannot afford the costs involved and in so far as it is necessary to ensure their effective access to justice.	5. ☞ In cases of ☞ [...] ☞ ☞ a ☞ review of the detention order ☞ provided for in paragraph 2 ☞, Member States shall ensure that asylum seekers have access to free legal assistance and representation ☞.	5. ☞ In cases of ☞ ☞ [...] ☞ ☞ a ☞ review of the detention order ☞ provided for in paragraph 2 ☞, Member States shall ensure that asylum seekers have access to free legal assistance and representation ☞.



Legal assistance and representation shall include, at least, the preparation of the required procedural documents and representation before the judicial authorities.

Legal assistance and representation may be restricted to legal advisers or counsellors specifically designated by national law to assist and represent asylum seekers.

Legal assistance and representation shall include, at least, the preparation of the required procedural documents and representation before the judicial authorities.

Legal assistance and representation may be *provided by specialised, suitably qualified and impartial* legal advisers, counsellors *or NGOs* specifically designated by national law to assist and represent asylum seekers.

This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant. ☹ ☹

☹ Free legal assistance and representation shall be provided by such persons as admitted or permitted under national law. ☹

This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant. ☹ ☹

☹ Free legal assistance and representation shall be provided by ~~such~~ suitably qualified persons as admitted or permitted under national law *whose interests do not conflict or could not potentially conflict with those of the asylum seekers.* ☹



➡ 6. Member States may also  
provide that free legal  
assistance and representation  
are granted: ➡

➡ (a) only to those who lack  
sufficient resources;  
and/or ➡

➡ (b) only through the  
services provided by  
legal advisers or other  
counsellors specifically  
designated by national  
law to assist and  
represent applicants for  
international  
protection. ➡

➡ [...] ➡

















➡ [...] ➡

➡\_➡ 7 ➡\_ ➡ [...] ➡. Member States

Take Council text for  
paragraph 6

➡\_➡ 7 ➡\_ ➡ [...] ➡.



		<p>may also: </p> <p> (a) impose monetary and  [...]  time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to the provision of legal  [...]  assistance and representation; </p> <p> (b) provide that, as regards fees and other costs,</p>	<p>Member States</p> <p>may also: </p> <p> (a) impose monetary and/or  [...]  time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to the provision of legal  [...]  assistance and representation; </p> <p> (b) provide that, as regards fees and</p>
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the treatment of  
applicants shall not be  
more favorable than the  
treatment generally  
accorded to their  
nationals in matters  
pertaining to legal  
assistance ➡ [...] Ⓢ  
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other costs, the  
treatment of  
applicants shall  
not be more  
favorable than  
the treatment  
generally  
accorded to  
their nationals  
in matters  
pertaining to  
legal assistance  
➡ [...] Ⓢ .s

➡ 8 Ⓢ ➡ [...] Ⓢ. Member States  
may demand to be  
reimbursed wholly or  
partially for any expenses  
granted if and when the  
applicant's financial situation  
has improved considerably or  
if the decision to grant such

Take Council text for  
paragraph 8.



Procedures for access to legal assistance and representation in such cases shall be laid down in national law.	Procedures for access to legal assistance and representation in such cases shall be laid down in national law.	benefits was taken on the basis of false information supplied by the applicant. ☹ ☹☹9☹☹[...]☹. Procedures for access to legal assistance and representation in ☹[...]☹ ☹such☹ cases☹ as referred to above☹ ☹[...]☹ shall be laid down in national law. ☹☹[...]☹	Take Council text for paragraph 9.
<i>Article 10</i>	Article 10	<i>Article 10</i>	
<b>Conditions of detention</b>	<i>Detention conditions</i>	<b>Conditions of detention</b>	
1. Detention shall only take place in specialised detention facilities.	1. <b><i>Member States shall not detain asylum seekers in prison accommodation.</i></b> Detention shall only take place in	1. Detention shall ☹[...]☹ take place ☹as a rule☹ in specialised detention facilities. ☹Where a Member State ☹[...]☹ cannot provide	1. Detention shall ☹[...]☹ take place ☹as a rule☹ in specialised detention facilities. ☹Where a Member State



	specialised detention facilities.	accommodation in a specialised detention facility and is obliged to resort to prison accommodation, the asylum seeker in detention shall be kept separately from ordinary prisoners. ➡	➡ [...] ➡ cannot provide accommodation in a specialised detention facility and is obliged to resort to prison accommodation, the asylum seeker in detention shall be kept separately from ordinary prisoners. ➡  <b>and the detention conditions provided in this Directive shall apply.</b>
Asylum seekers in detention shall be kept separately from	Asylum seekers in detention shall be <i>held</i>	➡ [...] ➡	<b>As far as possible, asylum seekers in detention shall be</b>



other third country nationals who have not lodged an application for international protection unless it is necessary to ensure family unity and the applicant consents thereto.	separately from other third country nationals who have not lodged an application for international protection unless it is necessary to ensure family unity and the applicant consents thereto.		<p><b>kept separately from other third country nationals who have not lodged an application for international protection.</b></p> <p><b>When asylum seekers cannot be detained separately from other third country nationals, the Member State shall ensure that the detention conditions provided in this Directive apply.</b></p>
2. Detained asylum seekers shall have access to open-air spaces.	2. Detained asylum seekers shall have access to open-air spaces.	2. Detained asylum seekers shall have access to open-air spaces.	Identical
3. Member States shall ensure that persons representing the United	3. Member States shall ensure that persons	3. Member States shall ensure that persons representing the	3. Member States shall ensure that persons



<p>Nations High Commissioner for Refugees have the possibility to communicate with applicants and to have access to detention facilities. This also applies to an organisation which is working in the territory of the Member State concerned on behalf of the United Nations High Commissioner for Refugees pursuant to an agreement with that Member State.</p>	<p>representing the United Nations High Commissioner for Refugees have the possibility to communicate with <i>and visit</i> applicants <i>in conditions that fully respect privacy in</i> detention facilities. This also applies to an organisation which is working in the territory of the Member State concerned on behalf of the United Nations High Commissioner for Refugees pursuant to an agreement with that Member State.</p>	<p>United Nations High Commissioner for Refugees have the possibility to communicate with applicants and to have access to detention facilities. This also applies to an organisation which is working in the territory of the Member State concerned on behalf of the United Nations High Commissioner for Refugees pursuant to an agreement with that Member State.</p>	<p>representing the United Nations High Commissioner for Refugees have the possibility to communicate with <i>and visit</i> applicants <i>in conditions that respect privacy and to have access to detention facilities.</i> This also applies to an organisation which is working in the territory of the Member State concerned on behalf of the United Nations High Commissioner for Refugees pursuant to an agreement with that Member State.</p>
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<p>4. Member States shall ensure that family members, legal advisers or counsellors and persons representing relevant non-governmental organisations recognised by the Member State concerned, have the possibility to communicate with applicants and have access to detention facilities. Limits to access may be imposed only where, by virtue of national law, they are objectively necessary for the security, public order or administrative management of the detention facility, provided that access is not thereby severely limited or rendered impossible.</p>	<p>4. Member States shall ensure that family members, legal advisers or counsellors, <b>legal representatives</b> and persons representing relevant non-governmental organisations [...] have the possibility to communicate with and visit applicants <b>in conditions that fully respect privacy</b>.</p>	<p>4. Member States shall ensure that family members, legal advisers or counsellors and persons representing relevant non-governmental organisations recognised by the Member State concerned, have the possibility to communicate with applicants and have access to detention facilities. Limits to access may be imposed only where, by virtue of national law, they are objectively necessary for the security, public order or administrative management of the detention facility, provided that access is not thereby severely limited or rendered impossible.</p>	<p>4. Member States shall ensure that family members, legal advisers or counsellors and persons representing relevant non-governmental organisations recognised by the Member State concerned, have the possibility to communicate with <b>and visit applicants in conditions that respect privacy and</b> <del>have access to detention facilities.</del></p> <p>Limits to access may be imposed only where,</p>
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			<p>by virtue of national law, they are objectively necessary for the security, public order or administrative management of the detention facility, provided that access is not thereby severely limited or rendered impossible.</p>
	<p>3. <i>Member States shall ensure that asylum seekers held in detention have access to appropriate medical treatment and psychological counselling where appropriate.</i></p>		<p>EP AM not taken up because already covered by Article 19.</p>



<p>5. Member States shall ensure that asylum seekers in detention are systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language they understand or are reasonably supposed to understand.</p>	<p>5. Member States shall ensure that asylum seekers in detention are systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language <i>which</i> they <i>understand or may reasonably be presumed</i> to understand.</p>	<p>5. Member States shall ensure that asylum seekers in detention are systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language they understand or are reasonably supposed to understand. <u>☞ Member States may derogate from this obligation in duly justified cases and for a reasonable period which shall be as short as possible when the asylum seeker is detained at a border or in a transit zone ☞. This derogation shall not apply in ☞ ☞ [...] ☞ cases referred to in Article 43 of Directive [...] /.../EU [the Asylum</u></p>	<p>Take Council text for paragraph 5.</p>
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		Procedures Directive].	
6. In duly justified cases and for a reasonable period which shall be as short as possible Member States may derogate:	/.../	...	...
(a) from the first subparagraph of paragraph 1 where accommodation in specialised detention facilities is temporarily not available and, as a consequence, Member States are obliged to resort to prison accommodation, provided that asylum seekers in detention are kept separately from ordinary prisoners; unaccompanied minors shall not, however, be	/.../	...	...



kept in prison accommodation;			
(b) from paragraph 5 when the asylum seeker is detained at a border post or in a transit zone with the exception of cases referred to in Article 43 of Directive [...]EU] [the Asylum Procedures Directive].	[...]	☞ [...]☞	☞ [...]☞
Article 11	Article 11	Article 11	
<b>Detention of vulnerable persons and persons with special reception needs</b>	<i>Detention of vulnerable persons and persons with special reception needs</i>	<b>Detention of vulnerable persons and persons with special reception needs</b>	
1. In all cases, vulnerable persons shall not be detained unless it is established that their health,	1. In all cases, vulnerable persons shall not be detained	1. ☞ The health, including the mental health, of applicants ☞ in detention ☞ ☞ [...]☞	Take Council text for paragraph 1.



including their mental health, and well-being, will not significantly deteriorate as a result of the detention.	unless it is established <i>following an individual examination of their situation by a qualified and independent professional</i> that their health, including their mental health, and well-being, will not significantly deteriorate as a result of the detention.	who are vulnerable persons shall be of primary concern to national authorities. ☹ ☹ [...] ☹	
Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation including their health.	Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support taking into account	Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation including their health.	Identical



	their particular situation including their health.		
2. Minors shall not be detained unless it is established in an individual case that it is in the minor's best interests, as prescribed in Article 23(2).	2. Minors shall not be detained unless it is <i>in their best interests, as prescribed in Article 23(2) and only after taking into consideration the findings of the individual examination of their situation in accordance with paragraph 5 of this Article.</i>	2. Minors <del>shall only</del> <del>be</del> <del>detained</del> <del>as a</del> <del>measure of last resort and</del> <del>for the shortest period of</del> <del>time</del> <del>.</del>	2. Minors <del>shall</del> <del>only</del> <del>be</del> <del>detained</del> <del>as a</del> <del>measure of last resort</del> <del>and after having</del> <del>established that</del> <del>other less coercive</del> <del>alternative measures</del> <del>cannot be applied</del> <del>effectively. It shall be</del> <del>and</del> <del>for the shortest</del> <del>period of time</del> <del>and</del> <del>all efforts shall</del> <del>be made to release</del> <del>the detained minors</del> <del>and place them in</del>



			<b>accommodation suitable for minors. -</b>
Detention of minors shall be a measure of last resort, after having established that other less coercive alternative measures cannot be applied effectively. It shall be for as short a period as possible and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.	Detention of minors shall be a measure of last resort, after having established that other less coercive alternative measures cannot be applied effectively. It shall be for as short a period as possible and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.	<p>☞ Unaccompanied minors shall be detained only in ☞ [...] ☞ ☞ particular ☞ circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible. ☞</p> <p>☞ [...] ☞ ☞</p>	<p>☞ Unaccompanied minors shall be detained only in ☞ [...] ☞</p> <p>☞ <b>exceptional</b> <del>particular</del> ☞ circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible. ☞</p> <p>☞ [...] ☞ ☞</p>
		The minor's best interests, as prescribed in Article 23(2), shall be a primary	The minor's best interests, as prescribed in Article



		consideration. ☹	23(2), shall be a primary consideration. ☹
		☹ Unaccompanied minors shall not be kept in prison accommodation. ☹	☹ Unaccompanied minors shall not be kept in prison accommodation. ☹
			Unaccompanied minors shall as far as possible be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age.
Detention of unaccompanied minors shall be resorted to only	<i>Unaccompanied minors shall never be</i>	☹ [...] ☹	EP AM not taken up because already covered elsewhere in



in particularly exceptional cases.	<i>detained. Where minors are detained they shall have the possibility of engaging in leisure-activities, including play and recreational activities appropriate to their age, and open-air activities.</i>		this paragraph (leisure activities) respectively in Article 10(2) (open air activities).
Where minors are detained, they shall have the possibility to engage in leisure-activities, including play and recreational activities appropriate to their age.	Where minors are detained, they shall have the possibility of engaging in leisure-activities, including play and recreational activities appropriate to their age, <i>and open-air activities.</i>	Where minors are detained, they shall have the possibility to engage in leisure-activities, including play and recreational activities appropriate to their age.	EP AM not taken up because already covered in Article 10(2).  Where minors are detained, they shall have the possibility to engage in leisure-activities, including play and recreational activities appropriate



			to their age.
Minors shall have access to open-air spaces.	Minors shall have access to open-air spaces.	☞ [...] ☞	☞ [...] ☞
Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.	[...]	Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.	Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.
3. Detained families shall be provided with separate accommodation guaranteeing adequate privacy.	3. Detained families shall be provided with separate accommodation <i>ensuring</i> adequate privacy.	3. Detained families shall be provided with separate accommodation guaranteeing adequate privacy.	Take Council text for paragraph 3
4. Where female asylum seekers are detained, Member States shall ensure that they are accommodated separately from	4. Where female asylum seekers are detained, Member States shall ensure that they are	4. Where female asylum seekers are detained, Member States shall ensure that they are accommodated separately	Take Council text for paragraph 4.



male asylum seekers, unless these are family members and all concerned individuals consent thereto.	accommodated separately from male asylum seekers, unless <i>they</i> are family members and all concerned individuals consent thereto.	from male asylum seekers, unless these are family members and all concerned individuals consent thereto.	
Exceptions may also apply for the use of common spaces designed for recreational or social activities including the provision of meals.	Exceptions may also apply for the use of common spaces designed for recreational or social activities including the provision of meals. <i>When using these common spaces Member States shall ensure the physical and psychological integrity of female asylum seekers.</i>	Exceptions may also apply for the use of common spaces designed for recreational or social activities including the provision of meals.	



<p>5. In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the fourth subparagraph of paragraph 2, paragraph 3 and the first subparagraph of paragraph 4, when the asylum seeker is detained at a border post or in a transit zone, with the exception of cases referred to in Article 43 of Directive [...]/.../EU] [the Asylum Procedures Directive].</p>	<p>5. In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the fourth subparagraph of paragraph 2, paragraph 3 and the first subparagraph of paragraph 4, when the asylum seeker is detained at a border post or in a transit zone, with the exception of cases referred to in Article 43 of Directive [...]/.../EU] [the Asylum Procedures Directive].</p>	<p>5. In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the fourth subparagraph of paragraph 2, paragraph 3 and the first subparagraph of paragraph 4, when the asylum seeker is detained at a border post or in a transit zone, with the exception of cases referred to in Article 43 of Directive [...]/.../EU] [the Asylum Procedures Directive].</p>	<p>Identical</p>
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<i>Article <u>12</u> <del>8</del></i>	Article 12	<i>Article <u>12</u> <del>8</del></i>	
<b>Families</b>	Families	<b>Families</b>	
Member States shall take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned. Such measures shall be implemented with the asylum seeker's agreement.	Member States shall take appropriate measures to maintain as far as possible <i>the</i> family unity <i>of asylum seekers</i> present <i>in</i> their territory, if <i>they</i> are provided with housing by the Member State concerned. Such measures shall be implemented with the asylum seeker's agreement.	Member States shall take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned. Such measures shall be implemented with the asylum seeker's agreement.	EP suggestions for linguistic changes not admissible.
<i>Article <u>13</u> <del>9</del></i>	Article 13	<i>Article <u>13</u> <del>9</del></i>	
<b>Medical screening</b>	Medical screening	<b>Medical screening</b>	
Member States may require medical screening for applicants on public health	Member States may require medical screening for	Member States may require medical screening for applicants on public	Identical



grounds.	applicants on public health grounds.	health grounds.	
<i>Article <u>14</u> <del>10</del></i>	Article 14	<i>Article <u>14</u> <del>10</del></i>	
<b>Schooling and education of minors</b>	Schooling and education of minors	<b>Schooling and education of minors</b>	
1. Member States shall grant to minor children of asylum seekers and to asylum seekers who are minors access to the education system under similar conditions as nationals of the host Member State for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.	1. Member States shall grant to minor children of asylum seekers and to asylum seekers who are minors access to the education system under similar conditions as nationals of the host Member State for so long as an expulsion measure against them or their parents is not	1. Member States shall grant to minor children of asylum seekers and to asylum seekers who are minors access to the education system under similar conditions as nationals of the host Member State for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.	EP AM not admissible



	<p>actually enforced.</p> <p>Such education may be provided in accommodation centres. <i>Member States shall support full access to education systems and support the minor in learning the language of the Member State, hence contributing to its integration in the host society.</i></p>		
<p>The Member State concerned may stipulate that such access must be confined to the State education system.</p>	<p>The Member State concerned may stipulate that such access must be confined to the State education system.</p>	<p>The Member State concerned may stipulate that such access must be confined to the State education system.</p>	<p>Identical</p>



<p><del>Minors shall be younger than the age of legal majority in the Member State in which the application for asylum was lodged or is being examined.</del></p> <p>Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.</p>	<p>Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.</p>	<p><del>Minors shall be younger than the age of legal majority in the Member State in which the application for asylum was lodged or is being examined.</del> Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.</p>	<p>Identical</p>
<p>2. Access to the education system shall not be postponed for more than three months from the date the application for <del>⇒ international</del> protection <del>⇐ asylum</del> was lodged by <del>⇒ or on behalf of ⇐</del> the minor <del>or the minor's parents.</del> <del>This period may be extended to one year where specific education is provided in order to</del></p>	<p>2. Access to the education system <i>shall be ensured as soon as possible once the application for international protection has been lodged by or on behalf of the minor and, in any event,</i> shall not be postponed</p>	<p>2. Access to the education system shall not be postponed for more than three months from the date the application for <del>⇒ international</del> protection <del>⇐ asylum</del> was lodged by <del>⇒ or on behalf of ⇐</del> the minor <del>or the minor's parents.</del> <del>This period may be extended to one year where specific education is provided</del></p>	<p>2. Access to the education system shall not be postponed for more than three months from the date the application for <del>⇒ international</del> protection <del>⇐ asylum</del> was lodged by <del>⇒ or on behalf of ⇐</del> the minor <del>or the minor's</del></p>



<del>facilitate access to the education system.</del>	for more than three months from the date on which the application for international protection was lodged [...].	<del>in order to facilitate access to the education system.</del>	<del>parents. This period may be extended to one year where specific education is provided in order to facilitate access to the education system.</del>
Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access and integration to the national education system.	Preparatory classes, including language classes, shall be provided to minors [...] to facilitate their access and integration to the national education system.	Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access ➡ [...] ⬅ to the national education system ➡ as set out in paragraph 1 ⬅ .	Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access <b>and participation</b> to the national education system as set out in paragraph 1



3. Where access to the education system as set out in paragraph 1 is not possible due to the specific situation of the minor, the Member State <del>⇒ shall ⇐</del> <del>may</del> offer other education arrangements <del>⇒ in accordance with national law and practices ⇐</del> .	3. Where access to the education system as set out in paragraph 1 is not possible due to the specific situation of the minor, the Member State shall offer other <i>educational</i> arrangements in accordance with national law and <i>practice</i> .	3. Where access to the education system as set out in paragraph 1 is not possible due to the specific situation of the minor, the Member State <del>⇒ shall ⇐</del> <del>may</del> offer other education arrangements <del>⇒ in accordance with national law and practices ⇐</del> .	Take Council text for paragraph 3.
<i>Article <del>15</del> <del>44</del></i>	Article 15	<i>Article <del>15</del> <del>44</del></i>	
<b>Employment</b>	Employment	<b>Employment</b>	
<del>1. Member States shall determine a period of time, starting from</del>		<del>1. Member States shall determine a period of time,</del>	



<p><del>the date on which an application for asylum was lodged during which an applicant shall not have access to the labour market.</del></p>		<p><del>starting from the date on which an application for asylum was lodged during which an applicant shall not have access to the labour market.</del></p>	
<p>1. Member States shall ensure that applicants have access to the labour market no later than 6 months following the date when the application for international protection was lodged.</p>	<p>1. Member States shall ensure that applicants have access to the labour market no later than <i>six</i> months following the date when the application for international protection was lodged.</p>	<p>1. Member States shall ensure that applicants have access to the labour market no later than ☞ [...] ☞ ☞ 12 ☞ months following the date when the application for international protection was lodged ☞ if a first instance decision by the competent authority has not been taken and this delay cannot be attributed to the applicant ☞ .</p>	<p>1. Member States shall ensure that applicants have access to the labour market no later than ☞ [...] ☞ ☞ 9 12 ☞ months following the date when the application for international protection was lodged ☞ if a first instance decision by the competent authority has not been taken and this delay cannot</p>



			be attributed to the applicant ☹.
Member States may extend that time limit for a period not exceeding a further six months, in the cases provided for in points (b) and (c) of Article 31(3) of Directive [...] EU [the Asylum Procedures Directive].	[...]	☹ [...] ☹	☹ [...] ☹
2. <del>If a decision at first instance has not been taken within one year of the presentation of an application for asylum and this delay cannot be attributed to the applicant,</del> Member States shall decide the conditions for granting access to the labour market for the applicant ☹, in accordance with their national law, while ensuring asylum	2. Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national <b>legislation, without unduly restricting asylum seekers' access to the labour market.</b>	2. <del>If a decision at first instance has not been taken within one year of the presentation of an application for asylum and this delay cannot be attributed to the applicant,</del> Member States shall decide the conditions for granting access to the labour market for the applicant ☹, in accordance with their national law, while	Take Council text for paragraph 2.



seekers have effective access to the labour market. ⇐.	<i>Member States shall report to the Commission, EASO and the European Parliament about the realities of asylum seekers access to the labour market in a two-year period.</i>	ensuring asylum seekers have effective access to the labour market. ➡	
		<u>For reasons of labour market policies, Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and also to legally resident third-country nationals.</u> ⌚ ⇐	Take Council text for paragraph 2.
3. Access to the labour market shall not be withdrawn during appeals procedures, where an appeal against a negative	3. Access to the labour market shall not be withdrawn during appeals procedures,	3. Access to the labour market shall not be withdrawn during appeals procedures, where an appeal against a negative	EP suggestions on linguistic changes not admissible.



decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.	where an appeal against a negative decision in <i>an ordinary</i> procedure has suspensive effect, until such time as a negative decision on the appeal is <i>issued</i> .	decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.	Take Council text for paragraph 3.
<del>4. For reasons of labour market policies, Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and also to legally resident third country nationals.</del>		<del>4. For reasons of labour market policies, Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and also to legally resident third country nationals.</del>	



<i>Article <u>16</u> <del>12</del></i>	Article 16	<i>Article <u>16</u> <del>12</del></i>	Identical
<b>Vocational training</b>	Vocational training	<b>Vocational training</b>	
Member States may allow asylum seekers access to vocational training irrespective of whether they have access to the labour market.	Member States may allow asylum seekers access to vocational training irrespective of whether they have access to the labour market.	Member States may allow asylum seekers access to vocational training irrespective of whether they have access to the labour market.	
Access to vocational training relating to an employment contract shall depend on the extent to which the applicant has access to the labour market in accordance with Article <u>15</u> <del>11</del> .	Access to vocational training relating to an employment contract shall depend on the extent to which the applicant has access to the labour market in accordance with Article 15.	Access to vocational training relating to an employment contract shall depend on the extent to which the applicant has access to the labour market in accordance with Article <u>15</u> <del>11</del> .	



<i>Article <del>17</del> <del>43</del></i>	Article 17	<i>Article <del>17</del> <del>43</del></i>	
<b>General rules on material reception conditions and health care</b>	General rules on material reception conditions and health care	<b>General rules on material reception conditions and health care</b>	
1. Member States shall ensure that material reception conditions are available to applicants when they make their application for <del>asylum</del> ⇒ international protection ⇐.	1. Member States shall ensure that material reception conditions are available to applicants when they make their application for international protection.	1. Member States shall ensure that material reception conditions are available to applicants when they make their application for <del>asylum</del> ⇒ international protection ⇐.	Identical
2. Member States shall ☒ ensure that <del>☒ make provisions on</del> material reception conditions ☒ provide an adequate <del>☒ to ensure</del> a standard of living ☒ for applicants for international protection, which	2. Member States shall ensure that material reception conditions provide an adequate standard of living for <i>applicants</i> , which <i>ensures</i> their	2. Member States shall ☒ ensure that <del>☒ make provisions on</del> material reception conditions ☒ provide an adequate <del>☒ to ensure</del> a standard of living ☒ for applicants for	EP suggestions on linguistic changes not admissible.



<p>guarantees their subsistence and protects their physical and mental health <del>☒ adequate for the health of applicants and capable of ensuring their subsistence.</del></p>	<p>subsistence and protects their physical and mental health.</p>	<p>international protection, which guarantees their subsistence and protects their physical and mental health <del>☒ adequate for the health of applicants and capable of ensuring their subsistence.</del></p>	
<p>Member States shall ensure that that standard of living is met in the specific situation of <del>⇒ vulnerable ⇐ persons who have special needs,</del> in accordance with Article <del>⇒ 21 ⇐ 17,</del> as well as in relation to the situation of persons who are in detention.</p>	<p>Member States shall ensure that <i>such a</i> standard of living is <i>provided</i> in the specific situation of vulnerable persons, in accordance with Article 21, as well as in relation to the situation of persons who are in detention.</p>	<p>Member States shall ensure that that standard of living is met in the specific situation of <del>⇒ vulnerable ⇐ persons who have special needs,</del> in accordance with Article <del>⇒ 21 ⇐ 17,</del> as well as in relation to the situation of persons who are in detention.</p>	<p>EP suggestions on linguistic changes not admissible.</p>
<p>3. Member States may make the provision of all or some of the</p>	<p>3. Member States may make the provision of</p>	<p>3. Member States may make the provision of all or some of</p>	<p>EP suggestions on linguistic</p>



material reception conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.	all or some of the material reception conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to <i>ensure</i> their subsistence.	the material reception conditions and health care subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence.	changes not admissible.
4. Member States may require applicants to cover or contribute to the cost of the material reception conditions and of the health care provided for in this Directive, pursuant to the provision of paragraph 3, if the applicants have sufficient resources, for example if they	4. Member States may require applicants to cover or contribute to the cost of the material reception conditions and of the health care provided for in this Directive, pursuant to the	4. Member States may require applicants to cover or contribute to the cost of the material reception conditions and of the health care provided for in this Directive, pursuant to the provision of paragraph 3, if the applicants have sufficient resources, for	Identical



have been working for a reasonable period of time.	provision of paragraph 3, if the applicants have sufficient resources, for example if they have been working for a reasonable period of time.	example if they have been working for a reasonable period of time.	
If it transpires that an applicant had sufficient means to cover material reception conditions and health care at the time when these basic needs were being covered, Member States may ask the asylum seeker for a refund.	If it transpires that an applicant had sufficient means to cover material reception conditions and health care at the time when <i>those</i> basic needs were being <i>met</i> , Member States may ask the asylum seeker for a refund.	If it transpires that an applicant had sufficient means to cover material reception conditions and health care at the time when these basic needs were being covered, Member States may ask the asylum seeker for a refund.	EP suggestions on linguistic changes not admissible.
<del>5. Material reception conditions may be provided in kind, or in</del>		<del>5. Material reception conditions may be provided in kind, or</del>	



<del>the form of financial allowances or vouchers or in a combination of these provisions</del>		<del>in the form of financial allowances or vouchers or in a combination of these provisions</del>	
<del>Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined in accordance with the principles set out in this Article.</del>		<del>Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined in accordance with the principles set out in this Article.</del>	
	5. <i>Material reception conditions may be provided in kind or in the form of financial allowances or vouchers or in a combination of the</i>		EP AM not taken up because already adequately covered by definition 2(g).



	<i>three elements.</i>		
5. Where Member States provide material reception conditions in the form of financial allowances and vouchers, the amount thereof shall be determined on the basis of the point(s) of reference established by the Member State concerned either by law or practice to ensure adequate standards of living for nationals, such as the minimum level of social welfare assistance. Member States may grant less favourable treatment to asylum applicants compared to nationals in this respect, where it is duly justified.	5. Where Member States provide material reception conditions in the form of financial allowances and vouchers, the amount thereof shall be determined on the basis of the point(s) of reference established by the Member State concerned either by law or practice to ensure adequate standards of living for nationals. <b><i>This shall at least cover adequate accommodation, food, and, where</i></b>	5. Where Member States provide material reception conditions in the form of financial allowances and vouchers, the amount thereof shall be determined on the basis of the <del>the</del> [...] <del>the</del> <del>level(s)</del> established by the Member State concerned either by law or practice to ensure adequate standards of living for nationals <del>the</del> [...]. Member States may grant less favourable treatment to asylum <del>the</del> <del>seekers</del> <del>the</del> [...] compared to nationals in this respect <del>the</del> [...]. <del>the</del> in particular where material support is partially provided in kind or	Article 17(5) in combination with recital (20).  Take Council text for paragraph 5.



	<p><i>applicable, education, as well as health care in accordance with this Directive. This does not entail that the amount granted should be the same as for nationals.</i></p> <p>Member States may grant less favourable treatment to asylum applicants compared to nationals in this respect [...].</p>	<p>where the abovementioned [...] level(s) applied for nationals, aim to ensure a standard of living higher than what is prescribed for asylum seekers under this Directive .</p>	
<i>Article 18 <del>14</del></i>	Article 18	<i>Article 18 <del>14</del></i>	
<b>Modalities for material reception conditions</b>	Modalities for material reception conditions	<b>Modalities for material reception conditions</b>	
1. Where housing is provided in kind, it should take one or a	1. Where housing is provided in kind, it	1. Where housing is provided in kind, it should take one or a	Identical



combination of the following forms:	should take one or a combination of the following forms:	combination of the following forms:	
<p>(a) premises used for the purpose of housing applicants during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> <del>lodged</del> ⇒ made ⇐ at the border ⇒ or in transit zones ⇐;</p>	<p>(a) premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones <i>for a maximum period of four weeks;</i></p>	<p>(a) premises used for the purpose of housing applicants during the examination of an application for ⇒ international protection ⇐ <del>asylum</del> <del>lodged</del> ⇒ made ⇐ at the border ⇒ or in transit zones ⇐;</p>	EP AM not admissible.
<p>(b) accommodation centres which guarantee an adequate standard of</p>	<p>(b) accommodation centres which guarantee an adequate</p>	<p>(b) accommodation centres which guarantee an adequate standard of</p>	Identical



living;	standard of living;	living;	
(c) private houses, flats, hotels or other premises adapted for housing applicants.	(c) private houses, flats, hotels or other premises adapted for housing applicants.	(c) private houses, flats, hotels or other premises adapted for housing applicants.	Identical
2. ⇒ Without prejudice to any specific conditions of detention as stipulated in Articles 10 and 11, ⇔ ☒ in relation to housing referred to in paragraph 1(a), (b) and (c), ☒ Member States shall ensure that <u>applicants provided with the housing referred to in paragraph 1(a), (b) and (c) are assured</u> :	2. Without prejudice to any specific conditions of detention as stipulated in Articles 10 and 11, in relation to housing referred to in paragraph 1(a), (b) and (c), Member States shall ensure that:	2. ⇒ Without prejudice to any specific conditions of detention as stipulated in Articles 10 and 11, ⇔ ☒ in relation to housing referred to in paragraph 1(a), (b) and (c), ☒ Member States shall ensure that <u>applicants provided with the housing referred to in paragraph 1(a), (b) and (c) are assured</u> :	Identical
(a) ☒ applicants are	(a) applicants are	(a) ☒ applicants are	Identical



guaranteed <input checked="" type="checkbox"/> protection of their family life;	guaranteed protection of their family life;	guaranteed <input checked="" type="checkbox"/> protection of their family life;	
<p>(b) <input checked="" type="checkbox"/> applicants have <input checked="" type="checkbox"/> the possibility of communicating with relatives, legal advisers <input checked="" type="checkbox"/> or counsellors <input checked="" type="checkbox"/>, <input checked="" type="checkbox"/> persons representing <input checked="" type="checkbox"/> <del>and representatives of</del> the United Nations High Commissioner for Refugees (UNHCR) and <input checked="" type="checkbox"/> other relevant national, international and non-governmental organisations and bodies <input checked="" type="checkbox"/> <del>non governmental organisations</del> (NGOs)</p>	<p>(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing the United Nations High Commissioner for Refugees (UNHCR) and other relevant national, international and non-</p>	<p>(b) <input checked="" type="checkbox"/> applicants have <input checked="" type="checkbox"/> the possibility of communicating with relatives, legal advisers <input checked="" type="checkbox"/> or counsellors <input checked="" type="checkbox"/>, <input checked="" type="checkbox"/> persons representing <input checked="" type="checkbox"/> <del>and representatives of</del> the United Nations High Commissioner for Refugees (UNHCR) and <input checked="" type="checkbox"/> other relevant national, international and non-governmental organisations and bodies <input checked="" type="checkbox"/> <del>non governmental organisations</del> (NGOs)</p>	Identical



<del>recognised by Member States.</del>	governmental organisations and bodies.	<del>recognised by Member States.</del>	
<p>(c) ⇒ Family members ⇐, legal <del>advisers</del> <del>advisors</del> or counsellors <del>of asylum seekers</del>, ☒ persons representing ☒ <del>and representatives of</del> the United Nations High Commissioner for Refugees ☒ (UNHCR) ☒ ☒ and ☒ <del>or</del> ⇒ relevant ⇐ non-governmental organisations <del>designated by the latter and</del> recognised by the Member State concerned ☒ are ☒ <del>shall be</del></p>	<p>(c) Family members, legal advisers or counsellors, persons representing the United Nations High Commissioner for Refugees (UNHCR) and relevant non-governmental organisations recognised by the Member State concerned are granted</p>	<p>(c) ⇒ Family members ⇐, legal <del>advisers</del> <del>advisors</del> or counsellors <del>of asylum seekers</del>, ☒ persons representing ☒ <del>and representatives of</del> the United Nations High Commissioner for Refugees ☒ (UNHCR) ☒ ☒ and ☒ <del>or</del> ⇒ relevant ⇐ non-governmental organisations <del>designated by the latter and</del> recognised by the Member State</p>	Identical



<p>granted access <del>to</del>  <del>accommodation centres</del>  <del>and other housing</del>  <del>facilities</del> in order to assist the said asylum seekers. Limits on such access may be imposed only on grounds relating to the security of ☒ these premises ☒ <del>the centres</del>  <del>and facilities</del> and of the asylum seekers.</p>	<p>access in order to assist the said asylum seekers. Limits on such access may be imposed only on grounds relating to the security of these premises and of the asylum seekers.</p>	<p>concerned ☒ are ☒  <del>shall be</del> granted access  <del>to accommodation</del>  <del>centres and other</del>  <del>housing facilities</del> in order to assist the said asylum seekers. Limits on such access may be imposed only on grounds relating to the security of ☒ these premises ☒ <del>the centres</del>  <del>and facilities</del> and of the asylum seekers.</p>	
<p>3. Member States shall take into consideration gender and age specific concerns and the situation of vulnerable persons in relation to applicants within the premises and accommodation centres referred</p>	<p>3. Member States shall take into consideration gender and age specific concerns and the situation of vulnerable persons in relation to</p>	<p>3. Member States shall take into consideration gender and age specific concerns and the situation of vulnerable persons in relation to applicants within the premises and accommodation</p>	<p>Identical</p>



to in paragraph 1(a) and (b).	applicants within the premises and accommodation centres referred to in paragraph 1(a) and (b).	centres referred to in paragraph 1(a) and (b).	
<p><u>4.</u> Member States shall ☒ take appropriate measures to prevent <del>☒ pay particular attention to the prevention of</del> assault ⇒ and gender based violence including sexual assault, ⇐ within the premises and accommodation centres referred to in paragraph 1(a) and (b).</p>	<p>4. Member States shall take appropriate measures to prevent assault and gender based violence including sexual assault, within the premises and accommodation centres referred to in paragraph 1(a) and (b).</p>	<p><u>4.</u> Member States shall ☒ take appropriate measures to prevent <del>☒ pay particular attention to the prevention of</del> assault ⇒ and gender based violence including sexual assault, ⇐ within the premises and accommodation centres referred to in paragraph 1(a) and (b).</p>	<p><u>4.</u> Member States shall ☒ take appropriate measures to prevent <del>☒ pay particular attention to the prevention of</del> assault ⇒ and gender based violence including sexual assault <b>and harassment,</b> ⇐ within the premises and accommodation centres referred to in paragraph 1(a) and (b).</p>



			<p><i>In combination with Article 2(c) and 23(5) and recital (18a).</i></p> <p><b>4a. Member State shall ensure as far as possible that dependent adult applicants with special reception needs are accommodated together with close adult relatives who are already present in the same Member State and who are responsible for them whether by law or by the national practice of the Member State concerned.</b></p>
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<del>3. Member States shall ensure, if appropriate, that minor children of applicants or applicants who are minors are lodged with their parents or with the adult family member responsible for them whether by law or by custom.</del>		<del>3. Member States shall ensure, if appropriate, that minor children of applicants or applicants who are minors are lodged with their parents or with the adult family member responsible for them whether by law or by custom.</del>	
<p><del>5.4</del> Member States shall ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal <u>advisers</u> <del>advisors</del> ⇨ or <u>counsellors</u> ⇨ of the transfer and of their new address.</p>	<p>5. Member States shall ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal advisers or</p>	<p><del>5.4</del> Member States shall ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal <u>advisers</u> <del>advisors</del> ⇨ or <u>counsellors</u> ⇨ of the transfer and of their new address.</p>	Identical



	counsellors of the transfer and of their new address.		
<del>6. 5.</del> Persons working in accommodation centres shall be adequately trained and shall be bound by the confidentiality principle as defined in the national law in relation to any information they obtain in the course of their work.	6. Persons working in accommodation centres shall be adequately trained and shall be bound by the confidentiality principle as defined in the national law in relation to any information <i>which</i> they obtain in the course of their work.	<del>6. 5.</del> Persons working in accommodation centres shall be adequately trained and shall be bound by the confidentiality principle as defined in the national law in relation to any information they obtain in the course of their work.	EP suggestions for linguistic changes not admissible.
<del>7. 6.</del> Member States may involve applicants in managing the material resources and non-material aspects of life in the centre through an advisory board or council representing	7. Member States may involve applicants in managing the material resources and non-material aspects of life in the centre	<del>7. 6.</del> Member States may involve applicants in managing the material resources and non-material aspects of life in the centre through an advisory board or council representing	Identical



residents.	through an advisory board or council representing residents.	residents.	
<del>7. Legal advisors or counsellors of asylum seekers and representatives of the United Nations High Commissioner for Refugees or non-governmental organisations designated by the latter and recognised by the Member State concerned shall be granted access to accommodation centres and other housing facilities in order to assist the said asylum seekers. Limits on such access may be imposed only on grounds relating to the security of the centres and facilities and of the asylum seekers.</del>		<del>7. Legal advisors or counsellors of asylum seekers and representatives of the United Nations High Commissioner for Refugees or non-governmental organisations designated by the latter and recognised by the Member State concerned shall be granted access to accommodation centres and other housing facilities in order to assist the said asylum seekers. Limits on such access may be imposed only on grounds relating to the security of the centres and facilities and of the asylum</del>	



		<del>seekers.</del>	
8. ⇒ In duly justified cases, ⇐ Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:	8. In duly justified cases, Member States may exceptionally <i>lay down rules</i> for material reception conditions <i>which are</i> different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:	8. ⇒ In duly justified cases, ⇐ Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:	EP suggestions for linguistic changes not admissible.
(a) = an <del>initial</del> assessment of the specific needs of the applicant is required ⇒ , in accordance with Article 22 ⇐ ,	(a) an assessment of the specific needs of the applicant is required, in accordance with	(a) = an <del>initial</del> assessment of the specific needs of the applicant is required ⇒ , in accordance with Article 22 ⇐ ,	Identical



	Article 22,		
<del>material reception conditions, as provided for in this Article, are not available in a certain geographical area,</del>		<del>material reception conditions, as provided for in this Article, are not available in a certain geographical area,</del>	Identical
(b) = housing capacities normally available are temporarily exhausted;	(b) housing capacities normally available are temporarily exhausted.	(b) = housing capacities normally available are temporarily exhausted;	Identical
<del>the asylum seeker is in detention or confined to border posts.</del>		<del>the asylum seeker is in detention or confined to border posts.</del>	
These different conditions shall cover in any case basic needs.	Such different conditions shall cover in any case basic	These different conditions shall cover in any case basic needs.	EP suggestion for linguistic change not admissible.



	needs.		
<i>Article 19 <del>45</del></i>	Article 19	<i>Article 19 <del>45</del></i>	
<b>Health care</b>	Health care	<b>Health care</b>	
1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illness ⇒ or post traumatic disorders ⇐.	1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illness or <i>mental disorders</i> .	1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illness ⇒ [...] ⇐.	1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illness <b>and serious mental disorders</b> .
2. Member States shall provide necessary medical or other assistance to applicants who have special ⇒ reception ⇐ needs, ⇒ including appropriate	2. Member States shall provide the necessary medical or other assistance to applicants who have	2. Member States shall provide necessary medical or other assistance to applicants who have special ⇒ reception ⇐ needs, ⇒ including	Take Council text of paragraph 2.



mental health care where needed ⇐.	special reception needs, including appropriate mental health care <i>where required.</i>	appropriate mental health care where needed ⇐.	
	<i>Article 20</i>		
	<i>Victims of torture</i>		
	<i>Member States shall ensure that victims of torture are quickly directed to a care centre appropriate to their situation.</i>		EP AM for new Article not admissible.



CHAPTER III	CHAPTER III	CHAPTER III	
<b>REDUCTION OR WITHDRAWAL OF ☒ MATERIAL ☒ RECEPTION CONDITIONS</b>	REDUCTION OR WITHDRAWAL OF MATERIAL RECEPTION CONDITIONS	<b>REDUCTION OR WITHDRAWAL OF ☒ MATERIAL ☒ RECEPTION CONDITIONS</b>	Article 20 in combination with recital (21).
<i>Article <u>20</u> <del>16</del></i>	Article 20	<i>Article <u>20</u> <del>16</del></i>	
<b>Reduction or withdrawal of ☒ material ☒ reception conditions</b>	Reduction or withdrawal of material reception conditions	<b>Reduction or withdrawal of ☒ material ☒ reception conditions</b>	
1. Member States may reduce or withdraw ☒ material ☒ reception conditions <del>in the</del> <del>following cases:</del>	1. Member States may reduce [...] - <b>but never</b> <b>eliminate all</b> - material reception conditions	1. Member States may reduce or withdraw ☒ material ☒ reception conditions <del>in the</del> <del>following cases:</del>	1. Member States may reduce or <b>in</b> <b>exceptional and duly</b> <b>justified cases</b> withdraw ☒ material ☒ reception conditions <del>in the following cases:</del>



<del>(a)</del> where an asylum seeker:	where an asylum seeker:	<del>(a)</del> where an asylum seeker:	Identical
<u>(a)</u> = abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or	(a) abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or	<u>(a)</u> = abandons the place of residence determined by the competent authority without informing it or, if requested, without permission, or	Identical
<u>(b)</u> = does not comply with reporting duties or with requests to provide information or to appear for personal interviews concerning the asylum procedure during a	(b) does not comply with reporting duties or with requests to provide information or to appear for	<u>(b)</u> = does not comply with reporting duties or with requests to provide information or to appear for personal interviews concerning the asylum procedure	Identical



reasonable period laid down in national law, or	personal interviews concerning the asylum procedure during a reasonable period laid down in national law, or	during a reasonable period laid down in national law, or	
<p>(c) = has <del>already</del> lodged ⇨ a subsequent application as defined in Article 2(q) of [.../.../EU] [the Asylum Procedures Directive] ⇨ <del>an application in the same Member State</del> = ☒, or ☒</p>	<p>(c) has lodged a subsequent application as defined in Article 2(q) of [.../.../EU] [the Asylum Procedures Directive], or</p>	<p>(c) = has <del>already</del> lodged ⇨ a subsequent application as defined in Article 2(q) of [.../.../EU] [the Asylum Procedures Directive] ⇨ <del>an application in the same Member State</del> = ☒, or ☒</p>	<p>(c) = has <del>already</del> lodged ⇨ a subsequent application as defined in Article 2(q) of [.../.../EU] [the Asylum Procedures Directive] ⇨ <del>an application in</del></p>



			<del>the same</del> <del>Member State</del> <del>☒, or ☒</del>
☒ (d) has concealed financial resources and has therefore unduly benefited from material reception conditions. ☒	[...]	☒ (d) has concealed financial resources and has therefore unduly benefited from material reception conditions. ☒	[...]
☒ In relation to cases (a) and (b), ☒ <del>W</del> when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstatement of the grant of some or all of the ☒ material ☒ reception conditions ☒ withdrawn or	[...] When the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the <i>reintroduction</i> of the grant of some or all of the material reception	☒ In relation to cases (a) and (b), ☒ <del>W</del> when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstatement of the grant of some or all of the ☒ material ☒ reception conditions ☒ withdrawn or	☒ In relation to cases (a) and (b), ☒ <del>W</del> when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstatement of the



reduced <input checked="" type="checkbox"/> ;	conditions reduced. [...] /	reduced <input checked="" type="checkbox"/> ;	grant of some or all of the <input checked="" type="checkbox"/> material <input checked="" type="checkbox"/> reception conditions <input checked="" type="checkbox"/> withdrawn or reduced <input checked="" type="checkbox"/> .
<del>(b) where an applicant has concealed financial resources and has therefore unduly benefited from material reception conditions.</del>	2. <i>Member States may reduce or withdraw material reception conditions where an applicant has concealed financial resources, and has therefore unduly benefited from material reception conditions.</i>	<del>(b) where an applicant has concealed financial resources and has therefore unduly benefited from material reception conditions.</del>	<del>(b) where an applicant has concealed financial resources and has therefore unduly benefited from material reception conditions.</del>
<del>If it transpires that an applicant had sufficient means to cover material reception conditions and health care at the time when these basic needs were being</del>		<del>If it transpires that an applicant had sufficient means to cover material reception conditions and health care at the time when</del>	



<del>covered, Member States may ask the asylum seeker for a refund.</del>		<del>these basic needs were being covered, Member States may ask the asylum seeker for a refund.</del>	
<del>2. Member States may refuse conditions in cases where an asylum seeker has failed to demonstrate that the asylum claim was made as soon as reasonably practicable after arrival in that Member State.</del>		<del>2. Member States may refuse conditions in cases where an asylum seeker has failed to demonstrate that the asylum claim was made as soon as reasonably practicable after arrival in that Member State.</del>	
		<p>⇒ 2. Member States may reduce</p> <p>⇒ [...] ☹ material reception conditions ⇒ [...] ☹ when the applicant ⇒ [...] ☹, without good reason, has not filed an application for asylum as soon as possible</p> <p>⇒ after arrival in that Member State ☹.</p>	<p>⇒ 2. Member States may <b>also</b> reduce ⇒ [...] ☹ material reception conditions ⇒ [...] ☹ when <b>they can establish that the applicant, for no justifiable</b> ⇒ [...] ☹, <b>without good reason,</b> has not lodged filed</p>



		☞ [...] ☞☞	an application for asylum as soon as <b>reasonably</b> <b>practicable possible</b> ☞ after arrival in that Member State ☞. ☞ [...] ☞☞
			3. Member States may reduce or withdraw material reception conditions where an applicant has concealed financial resources, and has therefore unduly benefited from material reception conditions.
<del>2. 3.</del> Member States may determine sanctions applicable to serious breaching of the rules of the	3. Member States may determine <i>the</i> sanctions applicable	☞ <del>3.</del> ☞ ☞ [...] ☞ Member States may determine sanctions applicable to serious	☞ <del>43.</del> ☞ ☞ [...] ☞ Member States may determine



accommodation centres as well as to seriously violent behaviour.	to serious <i>breaches</i> of the rules of the accommodation centres as well as to seriously violent behaviour.	breaching of the rules of the accommodation centres as well as to seriously violent behaviour.	sanctions applicable to serious breaching of the rules of the accommodation centres as well as to seriously violent behaviour.
<del>3. 4.</del> Decisions for reduction, withdrawal or refusal of ☒ material ☒ reception conditions or sanctions referred to in paragraphs 1, <del>2</del> and <del>3</del> <u>2</u> shall be taken individually, objectively and impartially and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to persons covered by Article <del>⇒ 21 ⇐</del> <del>17</del> , taking into account the principle of	4. Decisions for <i>the</i> reduction, withdrawal or refusal of material reception conditions or sanctions referred to in <i>paragraphs 1, 2 and 3</i> shall be taken individually, objectively and impartially and reasons shall be given. Decisions shall be based on the particular situation of	<del>⇒ 4. ⇐</del> <del>⇒ [...]</del> <del>⇐</del> Decisions for reduction, withdrawal or refusal of ☒ material ☒ reception conditions or sanctions referred to in paragraphs 1, <del>2</del> and <del>3</del> <u>2</u> shall be taken individually, objectively and impartially and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to persons covered by Article <del>⇒ 21 ⇐</del>	<del>⇒ 54. ⇐</del> <del>⇒ [...]</del> <del>⇐</del> Decisions for reduction <b>or</b> , withdrawal <b>or refusal</b> of ☒ material ☒ reception conditions or sanctions referred to in paragraphs 1, <del>2</del> , <b>3, and 4</b> <del>2</del> <b>and</b> <del>3</del> <u>2</u> shall be taken individually, objectively and impartially and reasons shall be given.



<p>proportionality. Member States shall under all circumstances ensure access to <del>emergency</del> health care ⇨ in accordance with Article 19 ⇐.</p>	<p>the person concerned, especially with regard to persons covered by Article 21, taking into account the principle of proportionality. Member States shall under all circumstances ensure <i>subsistence</i> and access to health care in accordance with Article 19.</p>	<p><del>17</del>, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to <del>emergency</del> health care ⇨ in accordance with Article 19 ⇐.</p>	<p>Decisions shall be based on the particular situation of the person concerned, especially with regard to persons covered by Article ⇨ 21 ⇐ <del>17</del>, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to <del>emergency</del> health care ⇨ in accordance with Article 19 and shall ensure a dignified standard of living for all asylum seekers. ⇐.</p>
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<p>4. <del>5.</del> Member States shall ensure that material reception conditions are not withdrawn or reduced before a <del>negative</del> decision is taken ☒ in accordance with paragraph 3 ☒.</p>	<p>5. Member States shall ensure that material reception conditions are not withdrawn or reduced before a decision is taken in accordance with <i>paragraph 4.</i></p>	<p><del>5.</del> <del>[...]</del> Member States shall ensure that material reception conditions are not withdrawn or reduced before a <del>negative</del> decision is taken ☒ in accordance with paragraph 3 ☒.</p>	<p><del>65.</del> <del>[...]</del> Member States shall ensure that material reception conditions are not withdrawn or reduced before a <del>negative</del> decision is taken ☒ in accordance with paragraph <del>3</del> <del>5</del> ☒.</p>
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CHAPTER IV	CHAPTER IV	CHAPTER IV	
<b>PROVISIONS FOR</b> <b>⇒ VULNERABLE</b> <b>PERSONS ⇐</b> <del><b>PERSONS WITH SPECIAL</b></del> <del><b>NEEDS</b></del>	<b>PROVISIONS FOR</b> <b>VULNERABLE</b> <b>PERSONS</b>	<b>PROVISIONS FOR</b> <b>⇒ VULNERABLE</b> <b>PERSONS ⇐ PERSONS</b> <del><b>WITH SPECIAL NEEDS</b></del>	
<i>Article <u>21</u> <del>47</del></i>	<i>Article 21</i>	<i>Article <u>21</u> <del>47</del></i>	
<b>General principle</b>	<i>General principle</i>	<b>General principle</b>	
<del>1</del> Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children ⇒, victims of trafficking, persons with serious physical illnesses, mental illnesses, or post-	Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents	<del>1</del> Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children ⇒, victims of trafficking, persons with serious ➡ [...] illness,	<del>1</del> Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents



<p>traumatic disorders, ⇐ and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing ⇨ this Directive ⇐ <del>the provisions of Chapter II relating to material reception conditions and health care.</del></p>	<p>with minor children, victims of trafficking, <b>victims of female genital mutilation</b>, persons with serious physical illnesses <b>and</b> mental [...] disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing this Directive.</p>	<p>⇨ [...] ⇨ persons with mental disorders ⇨ ⇨ [...] ⇨, ⇐ and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing ⇨ this Directive ⇐ <del>the provisions of Chapter II relating to material reception conditions and health care.</del></p>	<p>with minor children ⇨, victims of trafficking, persons with serious ⇨ [...] ⇨ illnesses, ⇨ [...] ⇨ persons with mental disorders ⇨ ⇨ [...] ⇨, ⇐ and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, <b>such as victims of female genital mutilation</b>, in the national legislation implementing ⇨ this Directive ⇐ <del>the</del></p>
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			<del>provisions of Chapter II relating to material reception conditions and health care.</del>
<del>2. Paragraph 1 shall apply only to persons found to have special needs after an individual evaluation of their situation.</del>		<del>2. Paragraph 1 shall apply only to persons found to have special needs after an individual evaluation of their situation.</del>	
<i>Article 22</i>	Article 22	<i>Article 22</i>	
<b>Identification of the special reception needs of vulnerable persons</b>	<b>Identification of the special reception needs of vulnerable persons</b>	<del>☞ [...] ☞ Assessment ☞ of the special reception needs of vulnerable persons</del>	
1. Member States shall establish mechanisms with a view to identifying whether the applicant is a vulnerable person and, if so, has special reception	1. Member States shall establish mechanisms <i>in national legislation</i> with a view to identifying whether	1. <del>☞ Where an applicant is a vulnerable person in line with Article 21, ☞ Member States shall ☞ carry out ☞ [...] ☞ an individual</del>	1. <del>☞ Where an applicant is a vulnerable person in line with Article 21, ☞ In order to</del>



<p>needs, also indicating the nature of such needs. Those mechanisms shall be initiated within a reasonable time after an application for international protection is made. Member States shall ensure that these special reception needs are also addressed, in accordance with the provisions of this Directive, if they become apparent at a later stage in the asylum procedure.</p>	<p>the applicant is a vulnerable person and, if so, has special reception needs, also indicating the nature of such needs. Those mechanisms <i>should also ensure the identification of applicants in need of special procedural guarantees, as provided for in Articles 2(d) and 24 of Directive [...]/.../EU] [the Procedure Directive]. They shall be initiated as soon as an application for international protection is lodged.</i></p>	<p><del>the</del> [...] <del>the</del> assessment <del>the</del>  <del>in order to identify</del>  whether  <del>the</del> [...] <del>the</del> the applicant has <del>the</del> [...] <del>the</del>  special reception needs. <del>If</del> the applicant has special reception needs, Member States shall also indicate the nature of such needs. <del>the</del></p>	<p>effectively  implement Article 21, Member States shall assess—<del>carry out</del>—<del>the</del> [...] <del>an</del> individual—<del>the</del> [...] <del>the</del> assessment—<del>the</del> in order to identify—  whether  <del>the</del> [...] <del>the</del> the applicant concerned is an applicant with has <del>the</del> [...] <del>the</del> special reception needs. <del>If</del> the applicant has special reception needs, Member States shall also indicate the nature of such needs. <del>the</del></p>
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	<p>Member States shall ensure that these special reception needs are also addressed, in accordance with the provisions of this Directive, if they become apparent at a later stage in the asylum procedure.</p>		
		<p>➔ [...] ☹☹ ➔ [...] ☹ This  ➔ assessment ☹ ➔ [...] ☹  ☹ shall be initiated within a  reasonable time after an  application for international  protection is made ➔ and  may be integrated into  existing national  procedures ☹ ➔ [...] ☹☹  . Member States shall ensure</p>	<p>➔ [...] ☹☹ ➔ [...] ☹ This  ➔ assessment ☹  ➔ [...] ☹ ☹ shall be  initiated within a  reasonable <b>period of</b>  time after an  application for  international  protection is made  ➔ and may be</p>



		that these special reception needs are also addressed, in accordance with the provisions of this Directive, if they become apparent at a later stage in the asylum procedure.	integrated into existing national procedures [...] . Member States shall ensure that these special reception needs are also addressed, in accordance with the provisions of this Directive, if they become apparent at a later stage in the asylum procedure.
Member States shall ensure adequate support for persons with special reception needs throughout the duration of the asylum procedure and shall	Member States shall ensure adequate support for persons with special reception needs throughout the	Member States shall ensure that the support provided to applicants with special reception needs in accordance with this	Member States shall ensure that the support provided to applicants with special reception



provide for appropriate monitoring of their situation.	duration of the asylum procedure and shall provide for appropriate monitoring of their situation.	Directive ☐ ☐ [...] ☐ takes into account their ☐ ☐ [...] ☐ special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.	needs ☐ ☐ in accordance with this Directive ☐ ☐ [...] ☐ takes into account their ☐ ☐ [...] ☐ special reception needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.
2. The identification mechanisms provided for in paragraph 1 shall be without prejudice to the assessment of international protection needs pursuant to Directive [...] /.../EU [the	2. The identification mechanisms provided for in paragraph 1 shall be without prejudice to the assessment of	2. The ☐ [...] ☐ ☐ assessment ☐ ☐ [...] ☐ provided for in paragraph 1 shall be without prejudice to the assessment of international protection needs	2. The assessment referred to in paragraph 1 needs not take the form of an administrative



Qualification Directive].	international protection needs pursuant to Directive 2011/95/EU.	pursuant to Directive [...]/.../EU] [the Qualification Directive].	<p><b>procedure.</b></p> <p><b>3. Only vulnerable persons, in accordance with Article 21 may be considered to have special reception needs and thus benefit from the specific support provided in accordance with this Directive.</b></p> <p><b>4. The</b> ➡ [...] ⬅  ➡ assessment ⬅ ➡ [  ...] ⬅ provided for in paragraph 1 shall be without prejudice to the assessment of international protection needs</p>
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			pursuant to Directive [...]/.../EU] [the Qualification Directive].
<i>Article <u>23</u> <del>48</del></i>	<i>Article 23</i>	<i>Article <u>23</u> <del>48</del></i>	
<b>Minors</b>	<i>Minors</i>	<b>Minors</b>	
1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. ⇒ Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development. ⇐	1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive <i>applicable to</i> minors. Member States shall ensure a standard of living adequate for the	1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. ⇒ Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social	EP suggestions for linguistic changes not admissible.



	minor's physical, mental, spiritual, moral and social development.	development. ⇐	
2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors:	2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors:	2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors:	Identical
(a) family reunification possibilities;	(a) family reunification possibilities;	(a) family reunification possibilities;	Identical
(b) the minor's well-being and social development, taking into particular consideration the minor's ethnic, religious, cultural and linguistic background;	(b) the minor's well-being and social development, taking into particular consideration	(b) the minor's well-being and social development ⇒ [...] ⇐;	(b) the minor's well-being and social development, <b>taking into particular consideration</b>



	the minor's ethnic, religious, cultural and linguistic background;		<b>the minor's background;</b>
(c) safety and security considerations, in particular where there is a risk of the minor being a victim of trafficking;	(c) safety and security considerations, in particular where there is a risk of the minor being a victim of trafficking;	(c) safety and security considerations, in particular where there is a risk of the minor being a victim of trafficking;	Identical
(d) the views of the minor in accordance with his/her age and maturity.	(d) the views of the minor in accordance with his/her age and maturity.	(d) the views of the minor in accordance with his/her age and maturity.	Identical
3. Member States shall ensure that minors have access to leisure-	3. Member States shall ensure that minors	3. Member States shall ensure that minors have access to	Take Council text of paragraph 3.



activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1)(a) and (b) and to open-air activities.	have access to leisure-activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1)(a) and (b), to open-air activities <i>and to education.</i>	leisure-activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1)(a) and (b) and to open-air activities.	
<del>4.2.</del> Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental	4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman <i>or</i> degrading	<del>4.2.</del> Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that	EP suggestions for linguistic changes not admissible.



health care is developed and qualified counselling is provided when needed.	treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care [...] and qualified counselling <i>are</i> provided when needed.	appropriate mental health care is developed and qualified counselling is provided when needed.	
<p>5. Member States shall ensure, <del>if appropriate</del>, that minor children of applicants or applicants who are minors are lodged with their parents or with the adult family member responsible for them whether by law or <del>by custom</del> ⇒ the national practice of the Member States concerned, provided this is in the best interests of the minors concerned ⇐.</p>	<p>5. Member States shall ensure, that minor children of applicants or applicants who are minors, <b><i>whether they are unmarried or married but not accompanied by their spouse</i></b>, are lodged with their parents or with the adult family member responsible</p>	<p>5. Member States shall ensure, <del>if appropriate</del>, that minor children of applicants or applicants who are minors are lodged with their parents ⇐, <u>their unmarried minor children</u> ⇐ or with the adult ⇐ [...] ⇐ responsible for them whether by law or <del>by custom</del> ⇒ the national practice of the Member States concerned, provided this is in</p>	<p>Article 23(5) in combination with Article 2(c), 18(4a) and recital (18a).</p> <p>5. Member States shall ensure, <del>if appropriate</del>, that minor children of applicants or applicants who are minors are lodged with their parents ⇐, <u>their unmarried minor siblings</u> ⇐ or with the</p>



	for them whether by law or the national practice of the Member States concerned, provided this is in the best interests of the minors concerned.	the best interests of the minors concerned ⇐.	adult ⇨ [...] ⇩ responsible for them whether by law or by custom ⇨ the national practice of the Member States concerned, provided this is in the best interests of the minors concerned ⇐.
<i>Article <del>24</del> <del>19</del></i>	<i>Article 24</i>	<i>Article <del>24</del> <del>19</del></i>	
<b>Unaccompanied minors</b>	<i>Unaccompanied minors</i>	<b>Unaccompanied minors</b>	
1. Member States shall as soon as possible take measures to ensure <del>the necessary representation of unaccompanied minors by legal guardianship or, where necessary, representation by an organisation which is</del>	1. Member States shall [...] take measures to ensure <i>the necessary representation of unaccompanied minors by legal guardians</i> to enable	1. Member States shall as soon as possible take measures to ensure <del>the necessary representation of unaccompanied minors by legal guardianship or, where necessary, representation by</del>	Article 24(1) in combination with Article 2(j).  1. Member States shall as soon as possible take measures to ensure <del>the necessary</del>



<p><del>responsible for the care and well-being of minors, or by any other appropriate representation</del></p> <p>⇒ 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 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, as prescribed in Article 23(2).↵</p>	<p><i>them</i> to benefit from the rights and comply with the obligations provided for in this Directive. <i>A guardian shall be appointed to advise and protect the child and to ensure that all decisions are taken in the child's best interests. The unaccompanied minor shall be informed immediately of the appointment of the guardian. A guardian should</i> have the necessary expertise in the field of childcare <i>so as to ensure that the</i> interests of the child</p>	<p><del>an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation</del></p> <p>⇒ 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 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, as prescribed in Article 23(2).↵</p>	<p><del>representation of unaccompanied minors by legal guardianship or, where necessary, representation by an organisation which is responsible for the care and well-being of minors, or by any other appropriate representation</del></p> <p>⇒ 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</p>
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	<p><i>are protected and that the child's legal, social, health, psychological, material and educational needs are appropriately met. Agencies or individuals whose interests could potentially conflict with those of the child shall not be eligible to become guardians. Regular assessments shall be made by the appropriate authorities. In order to establish a level of trust with the unaccompanied</i></p>		<p>Directive. The unaccompanied minor shall be informed immediately of the appointment of the representative. The representative shall <del>have the necessary expertise in the field of childcare and shall</del> perform his/her duties in accordance with the principle of the best interests of the child, as prescribed in Article 23(2)↵ and shall have the necessary expertise to that end. In order to ensure the minor's</p>
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	<p><i>minor and to ensure continuity during the procedure, Member States should try to ensure that the same guardian is responsible for the unaccompanied minor during the entire procedure.</i></p>		<p><b>well-being and social development mentioned in point b of that Article, a change of the person acting as representative shall only take place when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.</b></p>
Regular assessments shall be made by the appropriate	[...]	Regular assessments shall be made by the appropriate	Regular assessments shall be made by the



authorities.		authorities.	appropriate authorities, <b>including</b> <b>as regards the</b> <b>availability of the</b> <b>necessary means for</b> <b>representing the</b> <b>unaccompanied</b> <b>minor.</b>
2. Unaccompanied minors who make an application for ⇒ international protection ⇐ <del>asylum</del> shall, from the moment they are admitted to the territory to the moment they are obliged to leave the host Member State in which the application for ⇒ international protection ⇐ <del>asylum</del> was made or is being examined, be placed:	2. Unaccompanied minors who make an application for international protection shall, from the moment <i>when</i> they are admitted to the territory to the moment <i>when</i> they are obliged to leave the <i>territory of the</i> Member State in which the application	2. Unaccompanied minors who make an application for ⇒ international protection ⇐ <del>asylum</del> shall, from the moment they are admitted to the territory to the moment they are obliged to leave the host Member State in which the application for ⇒ international protection ⇐ <del>asylum</del> was made or is being examined, be placed:	EP suggestions for linguistic changes not admissible.



	for international protection was made or is being examined, be placed:		
(a) with adult relatives;	(a) with adult relatives;	(a) with adult relatives;	Identical
(b) with a foster-family;	(b) with a foster-family;	(b) with a foster-family;	Identical
(c) in accommodation centres with special provisions for minors;	(c) in accommodation centres with special <i>facilities</i> for minors;	(c) in accommodation centres with special provisions for minors;	Identical
(d) in other accommodation suitable for minors.	(d) in other accommodation suitable for minors.	(d) in other accommodation suitable for minors.	Identical
Member States may place unaccompanied minors aged 16	Member States may place unaccompanied	Member States may place unaccompanied minors aged	Identical



<p>or over in accommodation centres for adult asylum seekers, ⇒ if it is in their best interests, as prescribed in Article 23(2)⇐ .</p>	<p>minors aged 16 or over in accommodation centres for adult asylum seekers, if it is in their best interests, as prescribed in Article 23(2).</p>	<p>16 or over in accommodation centres for adult asylum seekers, ⇒ if it is in their best interests, as prescribed in Article 23(2)⇐ .</p>	
<p>As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.</p>	<p>As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.</p>	<p>As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.</p>	<p>Identical</p>



<p>3. ⇒ Member States shall establish mechanisms for tracing the family members of an unaccompanied minor. ⇐</p> <p>⊗ They ⊗ <del>Member States protecting the unaccompanied minor's best interest</del> shall endeavour ⇒ start ⇐ to trace, the members of ⊗ the unaccompanied minor's ⊗ <del>his or her</del> family ⇒, where necessary with the assistance of international or of other relevant organisations, ⇐ as soon as possible ⇒ after an application for international protection is made whilst protecting his/her best interests ⇐. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have</p>	<p>3. Member States shall establish mechanisms <i>in national legislation</i> for tracing the family members of an unaccompanied minor. They shall start to trace, the members of the unaccompanied minor's family, where necessary with the assistance of international or of other relevant organisations, as soon as possible after an application for international protection is made, <i>while</i> protecting his/her best interests. In cases where there</p>	<p>3. ⇒ Member States  <del>⊗ [...] ⇐ ⊗ [...] ⇐</del>  <del>Member States protecting the unaccompanied minor's best interest</del> shall endeavour  ⇒ start ⇐ to trace, the members of ⊗ the unaccompanied minor's ⊗ <del>his or her</del> family ⇒, where necessary with the assistance of international or of other relevant organisations, ⇐ as soon as possible ⇒ after an application for international protection is made whilst protecting his/her best interests ⇐. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of</p>	<p>Take Council text of paragraph 3.</p>
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<p>remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety.</p>	<p>may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and <i>exchange</i> of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety.</p>	<p>origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardizing their safety.</p>	
<p>4. Those working with unaccompanied minors shall have had ⇒ and shall continue</p>	<p>4. <i>Persons</i> working with unaccompanied minors shall have</p>	<p>4. Those working with unaccompanied minors shall have had ⇒ and shall</p>	<p>Take Council text of paragraph 4.</p>



to <del>of</del> receive appropriate training concerning their needs, and shall be bound by the confidentiality principle as defined in the national law, in relation to any information they obtain in the course of their work.	<i>received</i> and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality principle as defined in the national law, in relation to any information <i>which</i> they obtain in the course of their work.	continue to <del>of</del> receive appropriate training concerning their needs, and shall be bound by the confidentiality principle as defined in the national law, in relation to any information they obtain in the course of their work.	
<i>Article <u>25</u> <del>20</del></i>	<i>Article 25</i>	<i>Article <u>25</u> <del>20</del></i>	
<b>Victims of torture and violence</b>	<i>Victims of torture and violence</i>	<b>Victims of torture and violence</b>	
1. Member States shall ensure that <sub>2</sub> <del>if necessary</del> , persons who have been subjected to torture, rape or other serious acts of violence	1. Member States shall ensure that persons who have been subjected to torture,	1. Member States shall ensure that <sub>2</sub> <del>if necessary</del> , persons who have been subjected to torture, rape or other serious	1. Member States shall ensure that <sub>2</sub> <del>if</del> <del>necessary</del> , persons who have been



<p>receive the necessary treatment of damages caused by the aforementioned acts ⇒, in particular access to rehabilitation services that should allow for obtaining medical and psychological treatment ⇐.</p>	<p>rape or other serious acts of violence receive the necessary treatment of damages caused by the aforementioned acts, in particular access to rehabilitation services that should allow for obtaining medical and psychological treatment.</p>	<p>acts of violence receive the necessary treatment of damages caused by the aforementioned acts ⇒, in particular access to ⇐ [...] ⇐ relevant ⇐ medical and psychological treatment ⇐⇐ or care ⇐.</p>	<p>subjected to torture, rape or other serious acts of violence receive the necessary treatment of damages caused by the aforementioned acts ⇒, in particular access to ⇐ [...] ⇐ appropriate relevant ⇐ medical and psychological treatment ⇐⇐ or care ⇐.</p>
<p>2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound</p>	<p>2. Those working with victims of torture, rape or other serious acts of violence shall have <i>received</i> and shall continue to</p>	<p>2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their</p>	<p>Take Council text of paragraph 2.</p>



by the confidentiality rules provided for in the relevant national law, in relation to any information they obtain in the course of their work.	receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in the relevant national law, in relation to any information <i>which</i> they obtain in the course of their work.	needs, and shall be bound by the confidentiality rules provided for in the relevant national law, in relation to any information they obtain in the course of their work.	
<b>CHAPTER V</b>	<b>CHAPTER V</b>	<b>CHAPTER V</b>	
<b>APPEALS</b>	<b>APPEALS</b>	<b>APPEALS</b>	
<i>Article <del>26</del></i>	<i>Article 26</i>	<i>Article <del>26</del></i>	
<b>Appeals</b>	<i>Appeals</i>	<b>Appeals</b>	
1. Member States shall ensure that <del>negative</del> decisions relating to	1. Member States shall ensure that decisions	1. Member States shall ensure that <del>negative</del> decisions	Take Council text. of



<p>the granting ⇒, withdrawal or reduction ⇐ of benefits under this Directive or decisions taken under Article 7 which individually affect asylum seekers may be the subject of an appeal within the procedures laid down in the national law. At least in the last instance the possibility of an appeal or a review ⇒, in fact and in law, ⇐ before a judicial body shall be granted.</p>	<p>relating to the <i>grant</i>, withdrawal <i>of</i> or reduction <i>in</i> benefits under this Directive or decisions taken under Article 7 which individually affect asylum seekers may be the subject of an appeal within the procedures laid down in the national law. At least in the last instance the <i>right to</i> an appeal or a review, in fact and in law, before a judicial body shall be granted.</p>	<p>relating to the granting ⇒, withdrawal or reduction ⇐ of benefits under this Directive or decisions taken under Article 7 which individually affect asylum seekers may be the subject of an appeal within the procedures laid down in the national law. At least in the last instance the possibility of an appeal or a review ⇒, in fact and in law, ⇐ before a judicial  ⇒ authority ⇐ [...] ⇐ shall be granted .</p>	<p>paragraph 1.</p>
<p>2. In relation to the cases referred to in paragraph 1, Member</p>	<p>2. In relation to the cases referred to in</p>	<p>2. ⇒ Member States shall ensure that free legal</p>	<p>Take Council text of paragraph</p>



<p>States shall ensure that asylum seekers have access to free legal assistance and representation, where they cannot afford the costs involved and in so far as it is necessary to ensure their effective access to justice.</p> <p>Legal assistance and representation shall include at least preparation of the required procedural documents and representation before the</p>	<p>paragraph 1 <i>before a court or tribunal</i>, Member States shall ensure that asylum seekers have access to free legal assistance and representation, where they cannot afford the costs involved [...].</p> <p><i>Member States may provide that free legal assistance and representation not be granted if the</i></p>	<p>assistance and representation is [...] made available on request in cases of an appeal or a review before a judicial authority [...] referred to in paragraph 1, in so far as such aid is necessary to ensure effective access to justice. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant.</p>	<p>2.</p> <p>EP AM not taken up</p>
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judicial authorities.

*applicant's appeal is considered by a court or tribunal to have no tangible prospect of success. 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.* Legal assistance and representation shall include at least preparation of the required procedural documents and representation before the judicial



Legal assistance and representation may be restricted to legal advisers or counsellors specifically designated by national law to assist and represent asylum seekers.

authorities.

Legal assistance and representation may be *provided by specialised, suitably qualified and impartial* legal advisers, counsellors *or NGOs* specifically designated by national law to assist and represent asylum seekers.

➔ Free legal assistance and representation shall be provided by such persons as admitted or permitted under national law. ☹ ➔ [...] ☹

Take Council text of paragraph 2.

➔ 3. Member States may also provide that free legal assistance and representation is ➔ [...] ➔ made available ☹ ☹ ☹

➔ 3. Member States may also provide that free legal assistance and representation **is are granted** ➔ [...] ➔ made available ☹ ☹ ☹



➡ (a) only to those who lack  
sufficient resources;  
and/or ➡

➡ (b) only through the  
services provided  
by legal advisers or  
other counsellors  
specifically designated  
by national law to assist  
and represent applicants  
for international  
protection ➡

➡ (a) only to those  
who lack  
sufficient  
resources;  
and/or ➡

➡ (b) only through the  
services  
provided  
by legal  
advisers or other  
counsellors  
specifically  
designated by  
national law to  
assist and  
represent  
applicants for  
international  
protection ➡



➤ Member States may  
 provide that free legal  
 assistance and representation  
 not be ➤ [...] ☹ ➤ made  
 available ☹ if the ➤ appeal  
 or review ☹ ➤ [...] ☹ is  
 considered by a  
 ➤ competent ☹ ➤ ➤ [...] ☹  
 authority ☹ ➤ [...] ☹ to  
 have no tangible prospect of  
 success. 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. ☹

➤ Member States  
 may provide that free  
 legal assistance and  
 representation not be  
 ➤ [...] ☹ ➤ made  
 available ☹ if the  
 ➤ appeal or review ☹  
 ➤ [...] ☹ is  
 considered by a  
 ➤ competent ☹  
 ➤ ➤ [...] ☹  
 authority ☹ ➤ [...] ☹  
 to have no tangible  
 prospect of success. 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.
	[...]		[...]
	[...]		[...]
	[...]		[...]
	4.   [...]  Member		4.
	States may also:		[...]  Member
			States may also:
	(a) impose monetary and		(a) impose
	/or  time limits on		monetary and
	the provision of free		/or  time
	legal assistance and		limits on the
	representation,		provision of free
	provided that such		legal assistance
	limits do not arbitrarily		and
	restrict access to the		representation,
	provision of  [...]		provided that
	legal assistance and		such limits do
	representation;		not arbitrarily
			restrict access to



			<p>the provision of</p> <p>☞ [...] ☞ legal assistance and representation;</p> <p>☞</p>
	<p>☞ (b) provide that, as regards</p> <p>☞ free legal assistance and representation ☞</p> <p>☞ including fees and other costs ☞</p> <p>☞ [...] ☞, the treatment of applicants shall not be more favorable than the treatment generally accorded to their nationals in matters pertaining to legal assistance ☞, including judicial and administrative</p>	<p>☞ (b) provide that, as regards</p> <p><del>☞ free legal assistance and representation ☞</del></p> <p><del>☞ including</del> fees and other costs ☞ ☞ [...] ☞, the treatment of applicants shall not be more favorable than the treatment generally accorded to their nationals in matters pertaining to legal assistance <del>☞, including judicial and administrative procedures ☞</del> . ☞</p>	



<p><u>2.</u> Procedures for access to legal assistance ⇒ and representation ⇐ in such cases shall be laid down in national</p>	<p>Procedures for access to legal assistance and representation in such cases shall be laid</p>	<p>procedures ☹ . ☹</p> <p>⇒ Member States may demand to be reimbursed wholly or partially for any expenses granted if 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. ☹</p> <p>⇒ 5. Procedures for access to legal assistance and representation referred to above shall be laid down in national law ☹</p>	<p>⇒ Member States may demand to be reimbursed wholly or partially for any expenses granted if 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. ☹</p> <p>⇒ 5. Procedures for access to legal assistance and representation in such cases as referred to above shall be laid</p>
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law.	down in national law.		<u>down in national law</u> C
<b>CHAPTER VI</b>	<b>CHAPTER VI</b>	<b>CHAPTER VI</b>	
<b>ACTIONS TO IMPROVE THE EFFICIENCY OF THE RECEPTION SYSTEM</b>	<b>ACTIONS TO IMPROVE THE EFFICIENCY OF THE RECEPTION SYSTEM</b>	<b>ACTIONS TO IMPROVE THE EFFICIENCY OF THE RECEPTION SYSTEM</b>	
<del>Article 22</del>		<del>Article 22</del>	
<del>Cooperation</del>		<del>Cooperation</del>	
<del>Member States shall regularly inform the Commission on the data concerning the number of persons, broken down by sex and age, covered by reception conditions and provide full information on the type, name and format of the documents</del>		<del>Member States shall regularly inform the Commission on the data concerning the number of persons, broken down by sex and age, covered by reception conditions and provide full information on the type, name and</del>	



<del>provided for by Article 6.</del>		<del>format of the documents provided for by Article 6.</del>	
<i>Article 27</i>	<i>Article 27</i>	<i>Article 27</i>	
<b>Competent authorities</b>	<i>Competent authorities</i>	<b>Competent authorities</b>	
Each Member State shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.	Each Member State shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.	Each Member State shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.	Identical



<i>Article <del>28 23</del></i>	<i>Article 28</i>	<i>Article <del>28 23</del></i>	
<b>Guidance, monitoring and control system</b>	<i>Guidance, monitoring and control system</i>	<b>Guidance, monitoring and control system</b>	Take text Commission proposal for Article 28.
<p><u>1.</u> Member States shall, with due respect to their constitutional structure, ⇒ put in place relevant mechanisms in order to ⇐ ensure that appropriate guidance, monitoring and control of the level of reception conditions are established.</p>	<p>1. Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established.</p>	<p><u>1.</u> Member States shall, with due respect to their constitutional structure, ⇒ put in place relevant mechanisms in order to ⇐ ensure that appropriate guidance, monitoring and control of the level of reception conditions are established.</p>	
<p>2. Member States shall submit relevant information to the Commission in the form set out in Annex I, by [1 year after the transposition deadline] at the</p>	<p>2. Member States shall submit relevant information to the Commission in the form set out in Annex</p>	<p>2. Member States shall submit relevant information to the Commission in the form set out in Annex I, by [1 year after the transposition</p>	



latest.	I <i>on an annual basis, starting from</i> [1 year after the transposition deadline] [...].	deadline] at the latest.	
<i>Article <del>29</del> 24</i>	<i>Article 29</i>	<i>Article <del>29</del> 24</i>	
<b>Staff and resources</b>	<i>Staff and resources</i>	<b>Staff and resources</b>	
1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary basic training with respect to the needs of both male and female applicants.	1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary basic training with respect to the needs of both male and female applicants.	1. Member States shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary basic training with respect to the needs of both male and female applicants.	Identical



2. Member States shall allocate the necessary resources in connection with the national provisions enacted to implement this Directive.	2. Member States shall allocate the necessary resources in connection with the national provisions enacted to implement this Directive.	2. Member States shall allocate the necessary resources in connection with the national provisions enacted to implement this Directive.	Identical
<b>CHAPTER VII</b>	<b>CHAPTER VII</b>	<b>CHAPTER VII</b>	
<b>FINAL PROVISIONS</b>	<b>FINAL PROVISIONS</b>	<b>FINAL PROVISIONS</b>	
<i>Article <u>30 <del>25</del></u></i>	<i>Article 30</i>	<i>Article <u>30 <del>25</del></u></i>	Take text Commission proposal for Article 30.
<b>Reports</b>	<i>Reports</i>	<b>Reports</b>	
By ⇒ [two years after the transposition deadline] at the latest ⇐ <del>6 August 2006</del> , the Commission shall report to the European Parliament and the Council on the application of this Directive and shall	By [two years after the transposition deadline] at the latest, the Commission shall report to the European Parliament and the Council on	By ⇒ [two years after the transposition deadline as set out in the first subparagraph of Article 31(1) of this Directive] at the latest ⇐ <del>6 August 2006</del> , the Commission shall report to	



propose any amendments that are necessary.	the application of this Directive and shall propose any amendments that are necessary.	the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary.	
Member States shall send the Commission all the information that is appropriate for drawing up the report, <del>including the statistical data provided for by Article 22</del> by $\Rightarrow$ [...] $\Leftarrow$ 6 February 2006.	Member States shall send the Commission all the information that is appropriate for drawing up the report, <b>including the statistical data provided for by Article 28(2),</b> by [.../.../...].	Member States shall send the Commission all the information that is appropriate for drawing up the report, <del>including the statistical data provided for by Article 22</del> by $\Rightarrow$ [...] $\Leftarrow$ 6 February 2006.	
After presenting the $\boxtimes$ first $\boxtimes$ report, the Commission shall report to the European Parliament and the Council on the application of this Directive at least every five years.	After presenting the first report, the Commission shall report to the European Parliament and the Council on the application of this Directive at least every five years.	After presenting the $\boxtimes$ first $\boxtimes$ report, the Commission shall report to the European Parliament and the Council on the application of this Directive at least every five years.	Identical

<sup>1</sup> 36 months from the date of publication in the *Official Journal of the European Union*.



<i>Article <del>31 26</del></i>	<i>Article 31</i>	<i>Article <del>31 26</del></i>	
<b>Transposition</b>	<i>Transposition</i>	<b>Transposition</b>	Take Council text for Article 31.
<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with <del>this Directive by 6 February 2005</del> ☒ Articles [...] [The articles which have been changed as to the substance by comparison with the earlier Directive] and Annex I by [...] at the latest ☒. They shall forthwith <del>inform</del> ☒ communicate to ☒ the Commission <del>thereof</del> ☒ the text of those provisions and a</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] [The articles which have been changed as to the substance by comparison with the earlier Directive] and Annex I by [...] at the latest. They shall forthwith</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with <del>this Directive by 6 February 2005</del> ☒ Articles [.....] [The articles which have been changed as to the substance by comparison with the earlier Directive] and Annex I by [...] <sup>1</sup> at the latest ☒. They shall forthwith <del>inform</del> ☒ communicate to ☒ the Commission <del>thereof</del> ☒ the</p>	

<sup>1</sup> 24 months from the date of publication in the *Official Journal of the European Union*.



correlation table between those provisions and this Directive <input checked="" type="checkbox"/> .	communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.	text of those provisions <input checked="" type="checkbox"/> .	
When <del>the</del> Member States adopt <del>these measures</del> <input checked="" type="checkbox"/> those provisions <input checked="" type="checkbox"/> , they shall contain a reference to this Directive or <del>shall</del> be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made. <input checked="" type="checkbox"/> They shall also include a statement that references in existing laws, regulations and administrative	When Member States adopt those provisions, 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 how such a reference is to be made. They shall also include a statement	When <del>the</del> Member States adopt <del>these measures</del> <input checked="" type="checkbox"/> those provisions <input checked="" type="checkbox"/> , they shall contain a reference to this Directive or <del>shall</del> be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made. <input checked="" type="checkbox"/> They shall also include a statement that references in existing laws, regulations and	Identical



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. ☒	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.	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. ☒	
2. Member States shall communicate to the Commission the text of the ☒ main ☒ provisions of national law which they adopt in the field <del>relating to the</del>	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field	2. Member States shall communicate to the Commission the text of the ☒ main ☒ provisions of national law which they adopt in the field <del>relating to the</del>	Identical



<del>enforcement of</del> ☒ covered by ☒ this Directive.	covered by this Directive.	<del>enforcement of</del> ☒ covered by ☒ this Directive.	
<i>Article 32</i>	<i>Article 32</i>	<i>Article 32</i>	
<b>Repeal</b>	<i>Repeal</i>	<b>Repeal</b>	
Directive 2003/9/EC is repealed for the Members States bound by this Directive with effect from [day after the date set out in the first subparagraph of Article 31(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 2003/9/EC is repealed for the Members States bound by this Directive with effect from [day after the date set out in the first subparagraph of Article 31(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 2003/9/EC is repealed for the Members States bound by this Directive with effect from [day after the date set out in the first subparagraph of Article 31(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	References to the repealed	References to the repealed Directive	Identical



shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	
<i>Article <u>33</u> <del>27</del></i>	<i>Article 33</i>	<i>Article <u>33</u> <del>27</del></i>	
<b>Entry into force</b>	<i>Entry into force</i>	<b>Entry into force</b>	
This Directive shall enter into force on the ☒ twentieth ☒ day ☒ following that ☒ of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the ☒ twentieth ☒ day ☒ following that ☒ of its publication in the Official Journal of the European Union.	Identical
☒ Articles [...] [ <i>The articles which are unchanged by comparison with the earlier Directive</i> ] and Annex I shall apply from [day after the date set out in the first subparagraph of Article 31(1)]. ☒	Articles [...] [The articles which are unchanged by comparison with the earlier Directive] and Annex I shall apply from [day after the date set out in the first	☒ Articles [...] [ <i>The articles which are changed by comparison with the earlier Directive</i> ] and Annex I shall apply from [day after the date set out in the first subparagraph of Article 31(1)]. ☒	



	subparagraph of Article 31(1)].		
<i>Article <del>34 28</del></i>	<i>Article 34</i>	<i>Article <del>34 28</del></i>	
<b>Addressees</b>	<i>Addressees</i>	<b>Addressees</b>	
This Directive is addressed to the Member States ☒ in accordance with the Treaties ☒ <del>in accordance with the Treaty establishing the European Union.</del>	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States ☒ in accordance with the Treaties ☒ <del>in accordance with the Treaty establishing the European Union.</del>	Identical
Done at [...]	Done at [...]	Done at [...]	
<i>For the European Parliament</i>	For the European Parliament	<i>For the European Parliament</i>	
<i>The [...] President</i>	The [...] President	<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> [...]	
<b><u>ANNEX I</u></b>	<b><u>ANNEX I</u></b>	ANNEX I to ANNEX I	Take text Commission proposal for the Annex.
<b>Reporting form on the information to be submitted by Member States, as required under Article 28(2) of Directive [...]/.../EU].</b> After the date referred to in Article 28(2) of this Directive this information shall be re-submitted to the Commission when there is a substantial change in the national law or practice that outdate the provided information.	Reporting form on the information to be submitted by Member States <i>on an annual basis, as required under Article 28(2) of Directive [...]/.../EU]. [...]</i>	<b>Reporting form on the information to be submitted by Member States, as required under Article 28(2) of Directive [...]/.../EU].</b> After the date referred to in Article 28(2) of this Directive this information shall be re-submitted to the Commission when there is a substantial change in the national law or practice that outdate the provided information.	
1. On the basis of Articles 2(k) and 22 of Directive [...]/.../EU], please	1. <i>Indicate the total number of persons in</i>	1. On the basis of Articles 2(k) and 22 of Directive [...]/.../EU],	



explain the different steps for the identification of persons with special reception needs, including the moment it is triggered and its consequences in relation to addressing such needs, in particular for unaccompanied minors, victims of torture, rape or other serious forms of psychological, physical or sexual violence and victims of trafficking.	<i>your Member State currently covered by reception conditions as stipulated in Article 3(1) of Directive [...]/.../EC], broken down by sex and age. For each such person, indicate whether he or she is an asylum seeker or a family member as defined in Article 2(c) of Directive [...]/.../EC].</i>	please explain the different steps for the identification of persons with special reception needs, including the moment it is triggered and its consequences in relation to addressing such needs, in particular for unaccompanied minors, victims of torture, rape or other serious forms of psychological, physical or sexual violence and victims of trafficking.	
2. Provide full information on the type, name and format of the documents provided for in Article 6 of Directive [...]/.../EU].	2. On the basis of <b>Article 22</b> of Directive [...]/.../EU] <i>please provide statistical data on the number of asylum seekers with special needs identified divided into the following groups of persons with special needs:</i>	2. Provide full information on the type, name and format of the documents provided for in Article 6 of Directive [...]/.../EU].	
	– <i>unaccompanied minors</i>		
	– <i>disabled people</i>		
	– <i>elderly people</i>		



	– <i>pregnant women</i>		
	– <i>single parents with minor children</i>		
	– <i>persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence</i>		
	– <i>victims of trafficking</i>		
	– <i>persons with mental health problems</i>		
	– <i>other (please explain)</i>		
	3. <i>Provide detailed information concerning the documents provided for in Article 6 of Directive [...]/.../EU], including in particular the type, name and format of these documents.</i>		
3. With reference to Article 15 of Directive [...]/.../EU], please	4. With reference to Article 15 of Directive [...]/.../EU], indicate the	3. With reference to Article 15 of Directive [...]/.../EU], please	



<p>indicate to the extent that any particular conditions are attached to labour market access for asylum seekers, and describe in detail such restrictions.</p>	<p><i>total number of asylum seekers in your Member State who have access to the labour market, as well as the total number who are currently employed, broken down by economic sector. To the extent that any particular conditions are attached to labour market access for asylum seekers, describe in detail such restrictions.</i></p>	<p>indicate to the extent that any particular conditions are attached to labour market access for asylum seekers, and describe in detail such restrictions.</p>	
<p>4. With reference to Article 2(g) of Directive [.../.../EU], please describe how material reception conditions are provided (i.e. which material reception conditions are provided in kind, in money, in vouchers or in a combination of these elements) and indicate the level of the daily expenses allowance provided to asylum seekers.</p>	<p>5. With reference to <i>Article 17(5) of Directive [.../.../EU]</i>, describe <i>in detail the nature of material reception conditions, including their monetary value, and how they are provided (i.e. which material reception conditions are provided in kind, in money, in vouchers or in a combination of these elements) and indicate the level of the daily expenses allowance</i></p>	<p>4. With reference to Article 2(g) of Directive [.../.../EU], please describe how material reception conditions are provided (i.e. which material reception conditions are provided in kind, in money, in vouchers or in a combination of these elements) and indicate the level of the daily expenses allowance provided to asylum seekers.</p>	



	<i>provided to asylum seekers.</i>		
5. Where applicable, with reference to Article 17(5) Directive [.../.../EU], please explain the point(s) of reference applied by national law or practice with a view to determining the level of financial assistance provided to asylum seekers. To the extent that there is a less favourable treatment of asylum seekers compared to nationals, explain the reasons in this respect.	[...]	5. Where applicable, with reference to Article 17(5) Directive [.../.../EU], please explain the point(s) of reference applied by national law or practice with a view to determining the level of financial assistance provided to asylum seekers. To the extent that there is a less favourable treatment of asylum seekers compared to nationals, explain the reasons in this respect.	