




Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast)

The comparative table which appears in the Annex is drawn up in view of the second trilogue on the recast of the Dublin Regulation. The four columns reflect respectively:

1. the Commission proposal of 8 December 2008.
 2. the European Parliament's common position adopted at first reading on 7 May 2009. The differences between the EP common position and the Commission proposal are indicated in **bold** and *italics*. The Parliament's approach on Article 31 for the Early Warning Mechanism is in a separate document.
 3. the Council position on the Commission proposal as endorsed by the Committee of Permanent Representatives on 4 April 2012, (except to the extent that it concerns implementing acts). New text is indicated by underlining the insertion and including it within Council tags: ; deleted text is indicated within underlined square brackets as follows:  [...]. The Presidency's compromise on Article 31 for the Early Warning Mechanism is in a separate document.
 4. issues of technical nature for which an agreement to adapt has been reached / possible future compromises/comments.
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Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and of the Council laying down standards for the reception of asylum seekers (Recast)

Commission Proposal	EP-amendments	Council Position	Comments
2008/0243 (COD)		2008/0243 (COD)	
Proposal for a		Proposal for a	
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	POSITION OF THE EUROPEAN PARLIAMENT adopted at first reading on 7 May 2009	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
<p>establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐</p>	<p>with a view to the adoption of Regulation (EC) No .../2009 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)</p>	<p>establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐</p>	

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty establishing the European Community, and in particular Article 63, first paragraph, point (1)(a) thereof,	Having regard to the Treaty establishing the European Community, and in particular Article 63, first paragraph, point (1)(a) thereof,	Having regard to the Treaty on the Functioning of the European Union (TFEU) , and in particular point 2 (e) of Article 78 thereof,	Technical - agreed
Having regard to the proposal from the Commission,	Having regard to the proposal from the Commission,	Having regard to the proposal from the Commission,	
Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ² ,	Having regard to the opinion of the European Economic and Social Committee ³ ,	
Having regard to the opinion of the Committee of the Regions ⁴ ,	Having regard to the opinion of the Committee of the Regions ⁵ ,	Having regard to the opinion of the Committee of the Regions ⁶ ,	
Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁷ ,	Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁸ ,	Acting in accordance with the procedure laid down in Article 294 of the	Technical - agreed

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- 1 OJ C, , p. .
2 OJ C...
3 OJ C [...], [...], p. [...].
4 OJ C, , p. .
5 OJ C...
6 OJ C [...], [...], p. [...].
7 OJ C, , p. .

		☞ [...] ☞ TFEU ☞ ⁹ ,	
Whereas:	Whereas:	Whereas:	
(1) A number of substantive changes are to be made to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ¹⁰ . In the interests of clarity, that Regulation should be recast.	(1) A number of substantive changes are to be made to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ¹¹ . In the interests of clarity, that Regulation should be recast.	(1) A number of substantive changes are to be made to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ¹² . In the interests of clarity, that Regulation should be recast.	
(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	(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively	Technical - agreed




⁸ Position of the European Parliament of 7 May 2009.

⁹ OJ C [...], [...], p. [...].

¹⁰ OJ L 50, 25.2.2003, p.1.

¹¹ OJ L 50, 25.2.2003, p. 1.

¹² OJ L 50, 25.2.2003, p.1.

<p>establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Community.</p>	<p>establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Community.</p>	<p>establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the  [...]  Union .</p>	
<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum 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 ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, all respecting the principle of</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum 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 ensuring that nobody is sent back to persecution, i.e. maintaining the principle of <i>non-refoulement</i>. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, <i>which</i> all <i>respect</i> the principle of</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum 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 ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, all respecting the principle of</p>	

non-refoulement, are considered as safe countries for third-country nationals.	<i>non-refoulement</i> , are considered as safe countries for third-country nationals.	non-refoulement, are considered as safe countries for third-country nationals.	
(4) The Tampere conclusions also stated that this system should include, in the short term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.	(4) The Tampere conclusions also stated that this system should include, in the short term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.	(4) The Tampere conclusions also stated that this system should include, in the short term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.	
(5) Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for determining refugee ⇒ international protection ⇐ status and not to compromise the objective of the rapid processing of asylum applications ⇒ for	(5) Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to <i>ensure</i> effective access to the procedures for determining international protection status and not to compromise the objective of the rapid processing of applications for international	(5) Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for determining refugee ⇒ international protection ⇐ status and not to compromise the objective of the rapid processing of asylum applications ⇒ for	

international protection ⇐	protection.	international protection ⇐	
<p>As regards the introduction in successive phases of a common European asylum system that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted asylum, it is appropriate at this stage, while making the necessary improvements in the light of experience, to confirm the principles underlying the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities(4), signed in Dublin on 15 June 1990 (hereinafter referred to as the Dublin Convention), whose implementation has stimulated the process of harmonising asylum policies.</p>	<p>(6) <i>As regards the introduction in successive phases of a Common European Asylum System that should lead, in the longer term, to a common procedure and a uniform status valid throughout the Union for those granted asylum, it is appropriate at this stage, while making the necessary improvements in the light of experience, to confirm the principles underlying the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (the Dublin Convention), whose implementation has stimulated the process of harmonising</i></p>	<p>As regards the introduction in successive phases of a common European asylum system that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted asylum, it is appropriate at this stage, while making the necessary improvements in the light of experience, to confirm the principles underlying the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities(4), signed in Dublin on 15 June 1990 (hereinafter referred to as the Dublin Convention), whose implementation has stimulated the process of harmonising asylum policies.</p>	<p>Deletion agreed</p>

	<i>asylum policies.</i>		
(6) The first phase in the creation of a Common European Asylum System that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted asylum, has now been achieved. The European Council of 4 November 2004 adopted The Hague Programme which sets the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect The Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second-phase instruments and measures to the Council and the European Parliament with a view to their adoption before	(7) The first phase in the creation of a Common European Asylum System has now been <i>completed</i> . The European Council of 4 November 2004 adopted The Hague Programme, which sets 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 Commission to conclude the evaluation of the first phase legal instruments and to submit the second-phase instruments and measures to the Council and the European Parliament with a view to their adoption before 2010.	(6) The first phase in the creation of a Common European Asylum System that should lead, in the longer term, to a common procedure and a uniform status, valid throughout the Union, for those granted asylum, has now been achieved. The European Council of 4 November 2004 adopted The Hague Programme which sets the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect The Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second-phase instruments and measures to the Council and the European Parliament with a view to their adoption before	

2010.		2010.	
		<p>➡ (6a) In the Stockholm Programme the European Council reiterated its commitment to the objective of establishing a common area of protection and solidarity in accordance with Article 78 TFEU, for those granted international protection, by 2012 at the latest. Furthermore it emphasized that the Dublin System remains a cornerstone in building the Common European Asylum System, as it clearly allocates responsibility for the examination of asylum applications. ⬅</p>	New Recital accepted
	<p>(8) <i>The services of the Member States responsible for asylum should receive practical aid to meet their day-to-day operational requirements. Here the European Asylum Support Office,</i></p>		<p><u>EP Compromise for Recital 8</u> [COM+EP text]</p> <p><i>The Support Office has a vital role to play for facilitating, coordinating and strengthening the practical cooperation among Member States on all the aspects of asylum, and is their crucial</i></p>

	<i>established by Regulation (EC) No .../... of ...¹³, has a vital role to play.</i>		<i>partner to pave the way for a Common European Asylum System.</i> <u>Council draft compromise</u> The resources of the European Asylum Support Office established by established by Regulation (EU) No 439/2010 of the European Parliament and of the Council, should be mobilised to provide adequate support to the relevant services of the Member States responsible for implementing this Regulation.
(7) In the light of the results of the evaluations undertaken, it is appropriate, at this stage, to confirm the principles underlying the Regulation (EC) No 343/2003, while making the necessary improvements in the light of experience to enhance the effectiveness of the system and the protection granted to applicants for international protection under this procedure.	(9) In the light of the results of the evaluations undertaken, it is appropriate, at this stage, to confirm the principles underlying Regulation (EC) No 343/2003, while making the necessary improvements in the light of experience to enhance the effectiveness of the system and the protection granted to applicants for international protection under this procedure.	(7) In the light of the results of the evaluations undertaken, it is appropriate, at this stage, to confirm the principles underlying the Regulation (EC) No 343/2003, while making the necessary improvements in the light of experience to enhance the effectiveness of the system and the protection granted to applicants for international protection under this procedure.	

¹³ OJL ...

(8) In view of ensuring equal treatment for all applicants and beneficiaries of international protection, as well as in order to ensure consistency with current EU asylum <i>acquis</i> , in particular with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, ¹⁴ it is appropriate to extend the scope of this Regulation in order to include applicants for subsidiary protection and persons enjoying subsidiary	(10) <i>With a view to</i> ensuring equal treatment for all applicants and beneficiaries of international protection, as well as in order to ensure consistency with current EU asylum <i>acquis</i> , in particular with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ¹⁵ , it is appropriate to <i>extend</i> the scope of this Regulation in order to include applicants for subsidiary protection and persons enjoying	(8) In view of ensuring equal treatment for all applicants and beneficiaries of international protection, as well as in order to ensure consistency with current EU asylum <i>acquis</i> , in particular with <u>☞ [...] ☞</u> Directive <u>☞ [...] ☞ ☞ 2011/xx/EU</u> of 13 December 2011 on <u>☞</u> standards for the qualification and status of third country nationals or stateless persons as <u>☞ beneficiaries of international protection for a uniform status for ☞</u> refugees or <u>☞ for ☞</u> <u>☞ [...] ☞</u> persons <u>☞ eligible for subsidiary ☞ ☞ [...] ☞</u> protection and <u>☞ for ☞</u> the content of the protection granted, ¹⁶ <u>☞ [...] ☞</u> the scope of this Regulation <u>☞ [...] ☞</u>	Technical - agreed

¹⁴ OJ L 304, 30.9.2004, p. 12.

¹⁵ OJ L 304, 30.9.2004, p. 12.

¹⁶ OJ L 304, 30.9.2004, p. 12.

protection.	subsidiary protection.	➤ encompasses ➤ ➤ applicants for subsidiary protection and persons enjoying subsidiary protection. ➤ ➤ [...] ➤ ➤ [...] ➤	
(9) In order to ensure equal treatment of all asylum seekers, Directive [...] of ... laying down minimum standards for the reception of asylum seekers ¹⁷ should apply to the procedure regarding the determination of the Member State responsible as regulated under this Regulation.	(11) In order to ensure equal treatment of all asylum seekers, Directive [...] of the European Parliament and of the Council of ... [laying down minimum standards for the reception of asylum seekers] ¹⁸ should apply to the procedure regarding the determination of the Member State responsible as <i>prescribed</i> under this Regulation.	(9) ➤ [...] ➤	<p>EP rejects the deletion</p> <p><u>Commission draft compromise</u></p> <p>In order to ensure equal treatment of all asylum seekers, Directive [...] of ... laying down minimum standards for the reception of asylum seekers¹⁹ should apply to the procedure regarding the determination of the Member State responsible as regulated under this Regulation, subject to the limitation of its geographical scope of application as foreseen in Recitals 28, 29 and 30 of this Directive.</p> <p><u>Council draft compromise</u></p> <p>As regards the general principles governing detention, where applicable, the MS should apply the provisions of the RCD also to persons detained on the basis of</p>

¹⁷ OJ L [...], [...], p. [...].

¹⁸ OJ L ...

¹⁹ OJ L [...], [...], p. [...].

			the present Regulation.
<p>(10) In accordance with the 1989 United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States in the application of this Regulation. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.</p>	<p>(12) In accordance with the 1989 United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States in the application of this Regulation. In addition, specific procedural <i>safeguards</i> for unaccompanied minors should be laid down on account of their particular vulnerability.</p>	<p>(10) In accordance with the 1989 United Nations Convention on the Rights of the Child and as <u>recognised in</u> the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States in the application of this Regulation. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.</p>	<p><u>Recital (10)(Cfr. Article (3)(b):</u></p> <p>In accordance with the 1989 United Nations Convention on the Rights of the Child and as recognised in the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States in the application of this Regulation. <i>In assessing the best interest of the child, Member States should in particular take due account of the minor's wellbeing and social development, inter alia his/her ethnic, religious and cultural background.</i> In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.</p>
<p>Family unity should be preserved in so far as this is compatible with the other objectives pursued by establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application.</p>		<p>Family unity should be preserved in so far as this is compatible with the other objectives pursued by establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application.</p>	

<p>(11) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, respect for family unity should be a primary consideration of Member States when applying this Regulation.</p>	<p>(13) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, respect for family unity should be a primary consideration of Member States when applying this Regulation.</p>	<p>(11) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and as recognised in the the Charter of Fundamental Rights of the European Union, respect for family life [...] should be a primary consideration of Member States when applying this Regulation.</p>	<p>Technical - agreed</p>
<p>(12) The processing together of the asylum applications ⇒for international protection⇐ of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly and the decisions taken in respect of them are consistent ⇒and that the members of one family are not separated⇐.</p>	<p>(14) The processing together of the applications for international protection of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly and the decisions taken in respect of them are consistent and that the members of one family are not separated.</p>	<p>(12) The processing together of the asylum applications ⇒for international protection⇐ of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly and the decisions taken in respect of them are consistent ⇒and that the members of one family are not separated⇐.</p>	
<p>(13) In order to ensure full respect for the principle</p>	<p>(15) In order to ensure full respect for the principle</p>	<p>(13) In order to ensure full respect for the principle</p>	<p>Technical - agreed (but to be followed up in the context</p>

<p>of family unity and of the best interests of the child, the existence of a relationship of dependency between an applicant and his/her extended family on account of pregnancy or maternity, their state of health or great age, should become binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a relative on the territory of another Member State who can take care of him/her should also become binding responsibility criterion.</p>	<p>of family unity and of the best interests of the child, the existence of a relationship of dependency between an applicant and his/her extended family on account of pregnancy or maternity, their state of health or great age, should become binding responsibility <i>criteria</i>. When the applicant is an unaccompanied minor, the presence of a relative on the territory of another Member State who can take care of him/her should also become a binding responsibility criterion.</p>	<p>of family unity and of the best interests of the child, the existence of a relationship of dependency between an applicant and his/her ⌋ [...] ⌋ ⌋_⌋ [...] ⌋ ⌋ [...] ⌋ <u>relation</u> ⌋ on account of ⌋ the <u>applicant's</u> ⌋ pregnancy or maternity, ⌋ [...] ⌋ state of health or ⌋ [...] ⌋ ⌋ old ⌋ age, should become binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a ⌋ family member ⌋ [...] ⌋ ⌋ [...] ⌋ ⌋ [...] ⌋ ⌋ [...] ⌋ , or ⌋ [...] ⌋ ⌋ [...] ⌋ relative on the territory of another Member State who can take care of him/her should also become binding responsibility criterion.</p>	<p>of what is to be agreed on the respective Article)</p>
<p>(14) <u>Any</u> Member States should be able to derogate from the responsibility criteria, so as to make it possible to bring family</p>	<p>(16) Any Member State should be able to derogate from the responsibility criteria, in particular for humanitarian and</p>	<p>(14) <u>Any</u> Member States should be able to derogate from the responsibility criteria, so as to make it possible to bring family</p>	<p>Technical - agreed (provided that the words "so as" will be replaced by "for example").</p>

<p>members together where this is necessary on humanitarian grounds ⇒ in particular for humanitarian and compassionate reasons and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in the Regulation, provided that the concerned Member State and the applicant agree thereto. ⇐</p>	<p>compassionate reasons, and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in <i>this</i> Regulation, provided that the Member State <i>concerned</i> and the applicant agree thereto.</p>	<p>members together where this is necessary on humanitarian grounds ⇒ in particular for humanitarian and compassionate reasons ⇒ so as to make it possible to bring other family members ⇒ [...] ⇐ relatives or relations ⇒ [...] ⇐ ⇒ [...] ⇐ ⇒ [...] ⇐ together ⇐ and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in the Regulation ⇒ [...] ⇐. ⇐</p>	
<p>(15) A personal interview should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection and, where necessary, to orally inform applicants</p>	<p>(17) A personal interview should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection and to orally inform applicants about the</p>	<p>(15) A personal interview ⇒ [...] ⇐ ⇒ should ⇒ [...] ⇐ ⇐ be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection ⇒ [...] ⇐ ⇒ The asylum</p>	<p>to be considered with Articles 4 and 5</p>


about the application of this Regulation.	application of this Regulation.	seeker should be informed, as soon as the application for international protection is lodged, on the application of the present Regulation and [...] that the interview in order to facilitate the process of determining the Member State responsible includes the possibility for the applicant to [...] provide [...] information regarding the presence of family members, siblings or other relatives or relations in the Member States.	
(16) In accordance in particular with Article 47 of the Charter of Fundamental Rights of the European Union, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established to guarantee effective protection of the rights of	(18) In accordance in particular with Article 47 of the Charter of Fundamental Rights of the European Union, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established to ensure effective protection of the rights of the individuals	(16) In accordance in particular with the rights recognised in Article 47 of the Charter of Fundamental Rights of the European Union, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established to guarantee effective	

the individuals concerned.	concerned.	protection of the rights of the individuals concerned.	
(17) In accordance with the case-law of the European Court of Human Rights, the effective remedy should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred in order to ensure that international law is respected.	(19) In accordance with the case-law of the European Court of Human Rights, <i>an</i> effective remedy should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State to which the applicant is transferred in order to ensure that international law is respected.	(17) ➡ [...] ⬅	to be considered with Article 26
	(20) <i>For the purposes of this Regulation “detention” should not carry a penal or punitive connotation, but should mean an exclusively administrative and temporary measure equivalent to a holding operation.</i>		to be considered with Article 27
(18) Detention of asylum seekers should be applied	(21) Detention of asylum seekers should be applied	(18) Detention of asylum seekers should be applied	to be considered with Article 27

<p>in line with the underlying principle that a person should not be held in detention for the sole reason that he is seeking international protection. In particular, detention of asylum seekers must be applied in line with Article 31 of the Geneva Convention and under the clearly defined exceptional circumstances and guarantees prescribed in Directive [...]/.../EC [laying down minimum standards for the reception of asylum seekers]. Moreover, the use of detention for the purpose of transfer to the Member State responsible should be limited and subject to the principle of proportionality with regard to the means taken and objective pursued.</p>	<p>in line with the underlying principle that a person should not be held in detention for the sole reason that he/she is seeking international protection. In particular, detention of asylum seekers must be applied in line with Article 31 of the Geneva Convention <i>in administrative holding centres distinct from prison facilities</i> and under the clearly defined exceptional circumstances and <i>safeguards</i> prescribed in Directive .../.../EC [laying down minimum standards for the reception of asylum seekers]. Moreover, the use of detention for the purpose of transfer to the Member State responsible should be limited and subject to the principle of proportionality with regard to the means taken and objective pursued.</p>	<p>in line with the underlying principle that a person should not be held in detention for the sole reason that he is seeking international protection. <u>☞ Detention should be as short as possible and ☞ [...] ☞ be subject to the principles of necessity and proportionality. ☞</u> In particular, detention of asylum seekers must be applied in line with Article 31 of the Geneva Convention ☞ [...] ☞ . ☞ [...] ☞ ☞ [...] ☞ . <u>☞ The procedures carried out according to this Regulation in respect of a detained person should be handled with priority, within the minimum possible deadlines. ☞</u></p>	
		<p>☞ (18A ☞ [...] ☞) ☞ [...] ☞</p> <p><u>Deficiencies or collapses of asylum systems, often</u></p>	<p><u>Text as existing on 31.05.2012</u></p> <p>Deficiencies or collapses of</p>

		<p>aggravated [...] or contributed to by particular pressures on them, can destabilise the proper functioning of the system put in place by the present Regulation. A process for early warning, preparedness and management of asylum crises serving to prevent such deteriorations or collapses with EASO playing a key role using its powers under Regulation (EU) 439/2010 should be established both in order to ensure that cooperation within the framework of this Regulation is robust as well as to develop mutual trust among the Member States with respect to asylum policy. The process should ensure that the Union is alerted as soon as possible of situations in which a concern exists that the smooth functioning of the system set up by this Regulation is jeopardized because the asylum</p>	<p>asylum systems, often aggravated or contributed to by particular pressures on them, can destabilise the proper functioning of the system put in place by the present Regulation, which could lead to a risk of a violation of the rights of applicants for international protection as set out in the EU asylum acquis and the Charter for Fundamental Rights, other international human rights and refugee rights obligations</p> <p><u>Council draft compromise</u></p> <p>(18A) Deficiencies or collapses of asylum systems, often aggravated or contributed to by particular pressures on them, can destabilise the proper functioning of the system put in place by the present Regulation, which could lead to a risk of a violation of the rights of applicants for international protection</p>
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		<p>systems of one or more Member States are subject to particular pressure and/or due to deficiencies in the asylum systems of one or more Member States. Such a process would allow the Union to promote preventive measures at an early stage and afford such situations the appropriate political attention. Solidarity is a pivotal element in the CEAS and solidarity and mutual trust go hand in hand. By enhancing such trust, this process could improve the steering of concrete measures of genuine and practical solidarity towards the Member State or Member States concerned in order to assist the affected Member States in general and the asylum seekers in particular.</p>	<p>as set out in the EU asylum acquis and the Charter for Fundamental Rights, other international human rights and refugee rights obligations.</p>
		<p>(18B) Member States should collaborate with the European Asylum Support Office in</p>	<p>EP Compromise on 31.05.2012</p> <p>(18B) A process for early warning, preparedness</p>

		<p>the gathering of information concerning their ability to manage particular pressure on their asylum and reception systems, in particular in the framework of the application of this Regulation. The European Asylum Support Office should regularly report on the information gathered in accordance with Regulation (EU) No 439/2010. </p>	<p>and management of asylum crises serving to prevent such deteriorations or collapses, with EASO playing a key role using its powers under Regulation (EU) 439/2010, should be established both in order to ensure that cooperation within the framework of this Regulation is robust as well as to develop mutual trust among the Member States with respect to asylum policy. The process should ensure that the Union is alerted as soon as possible of situations in which a concern exists that the smooth functioning of the system set up by this Regulation is jeopardized because the asylum systems of one or more Member States are subject to particular pressure and/or due to deficiencies in the asylum systems of one or more Member States. Such a process would allow the</p>
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			<p>Union to promote preventive measures at an early stage and afford such situations the appropriate political attention. Solidarity is a pivotal element in the CEAS, and solidarity and mutual trust go hand in hand. By enhancing such trust, the process could improve the steering of concrete measures of genuine and practical solidarity towards the Member State or Member States concerned in order to assist the affected Member States in general and the asylum seekers in particular. In conformity with Article 80 of the Treaty on the Functioning of the European Union which requires that, where applicable whenever necessary, Union acts should contain appropriate measures to give effect to the principle of solidarity, this process should be accompanied by such measures. as appropriate. The</p>
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			<p>Council adopted on 8 March 2012, conclusions on a Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows, which is a 'tool box' of both existing and possible new measures. This 'tool-box' should be taken into consideration in the context of a mechanism for early warning, preparedness and crisis management.</p> <p><u>Text as existing on 31.05.2012</u></p> <p>(18C) Member States should collaborate with the European Asylum Support Office in the gathering of information concerning their ability to manage particular pressure on their asylum and reception systems, in particular within the field of application of this</p>
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			<p>Regulation. The European Asylum Support Office should regularly report on the information gathered in accordance with Regulation (EU) No 439/2010.</p> <p><u>Council draft compromise</u></p> <p>(18B) A process for early warning, preparedness and management of asylum crises serving to prevent such deteriorations or collapses, with EASO playing a key role using its powers under Regulation (EU) 439/2010, should be established both in order to ensure that cooperation within the framework of this Regulation is robust as well as to develop mutual trust among the Member States with respect to asylum policy. The process should ensure that the Union is alerted as soon as possible of situations in which a concern exists that the smooth functioning of the system set up by this Regulation is jeopardized</p>
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			<p>because the asylum systems of one or more Member States are subject to particular pressure and/or due to deficiencies in the asylum systems of one or more Member States. Such a process would allow the Union to promote preventive measures at an early stage and afford such situations the appropriate political attention. Solidarity is a pivotal element in the CEAS, and solidarity and mutual trust go hand in hand. By enhancing such trust, the process could improve the steering of concrete measures of genuine and practical solidarity towards the Member State or Member States concerned in order to assist the affected Member States in general and the asylum seekers in particular. In conformity with Article 80 of the Treaty on the Functioning of the European Union which requires that, where</p>
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			<p>applicable, Union acts should contain appropriate measures to give effect to the principle of solidarity, this process should be accompanied by such measures as appropriate.</p>
			<p><u>Council draft compromise</u></p> <p>(18C) Member States should collaborate with the European Asylum Support Office in the gathering of information concerning their ability to manage particular pressure on their asylum and reception systems, in particular within the field of application of this Regulation. The European Asylum Support Office should regularly report on the information gathered in accordance with Regulation (EU) No 439/2010.</p>
<p>(19) In accordance with Commission Regulation (EC) No 1560/2003 of 2</p>	<p>(22) In accordance with Commission Regulation (EC) No 1560/2003 of 2</p>	<p>(19) In accordance with Commission Regulation (EC) No 1560/2003 of 2</p>	

September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 ²⁰ , transfers to the Member State responsible may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers and should ensure that supervised or escorted transfers are undertaken in a human manner, in full respect for fundamental rights and human dignity.	September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 ²¹ , transfers to the Member State responsible may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers and should ensure that supervised or escorted transfers are undertaken in a <i>humane</i> manner, in full <i>compliance</i> with fundamental rights and human dignity.	September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 ²² , transfers to the Member State responsible may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers and should ensure that supervised or escorted transfers are undertaken in a human manner, in full respect for fundamental rights and human dignity.	
(20) The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the Treaty establishing the European	(23) The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the Treaty and the establishment of	(20) The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the Treaty establishing the European	

²⁰ OJ L222, 5.9.2003, p.3.

²¹ OJ L 222, 5.9.2003, p. 3.

²² OJ L222, 5.9.2003, p.3.

Community and the establishment of Community policies regarding the conditions of entry and stay of third country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity.	Community policies regarding the conditions of entry and stay of third country nationals, including common efforts towards the management of external borders, <i>make</i> it necessary to strike a balance between responsibility criteria in a spirit of solidarity.	Community and the establishment of Community policies regarding the conditions of entry and stay of third country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity.	
(21) The application of this Regulation may, in certain circumstances, create additional burdens on Member States faced with a particularly urgent situation which places an exceptionally heavy pressure on their reception capacities, asylum system or infrastructure. In such circumstances, it is necessary to lay down an efficient procedure to allow the temporary suspension of transfers towards the Member State concerned and to provide financial assistance, in	(24) The application of this Regulation may, in certain circumstances, create additional burdens on Member States faced with a particularly urgent situation which places an exceptionally heavy pressure on their reception capacities, asylum system or infrastructure. In such circumstances, it is necessary to lay down an efficient procedure to allow the temporary suspension of transfers towards the Member State concerned and to provide financial assistance, in	(21) ➡ [...] ⬅	

	<p>accordance with existing EU financial instruments. The temporary suspension of Dublin transfers can thus contribute to achieve a higher degree of solidarity towards those Member States facing particular pressures on their asylum systems, due in particular to their geographical or demographic situation.</p>	<p>accordance with existing EU financial instruments. The temporary suspension of Dublin transfers can thus contribute to <i>achieving</i> a higher degree of solidarity towards those Member States facing particular pressures on their asylum systems, due in particular to their geographical or demographic situation.</p>		
<p>(22) This mechanism of suspension of transfers should be applied also when the Commission considers that the level of protection for applicants for international protection in a given Member State is not in conformity with Community legislation on asylum, in particular in terms of reception conditions and access to the asylum procedure, in view of ensuring that all applicants for international protection benefit from an adequate level of protection in all</p>	<p>(25) <i>The procedure for the suspension of transfers should also be applied when the Commission considers that the level of protection for applicants for international protection in a given Member State is not in conformity with Community legislation on asylum, in particular in terms of reception conditions, qualification for international protection and access to the asylum procedure, with a view to ensuring that all applicants for international protection</i></p>	<p>(22) ➡ [...] ⬅</p>		

Member States	benefit from an adequate level of protection in all Member States.		
	(26) <i>The procedure for the suspension of transfers is an exceptional measure to address issues of particular pressure or ongoing protection concerns.</i>		
	(27) <i>The Commission should periodically review progress toward improving the long-term development and harmonisation of the Common European Asylum System, and the degree to which solidarity measures and the availability of a suspension procedure are facilitating that progress, and report on that progress.</i>		<p><u>EP Compromise for Recital 27</u> [COM+EP text]</p> <p><i>The Commission should launch a ‘fitness check’ of the Dublin Regulation in 2014, as announced in its Communication on enhanced intra-EU solidarity in the field of asylum - An EU agenda for better responsibility-sharing and more mutual trust⁴.</i></p> <p><u>Council draft compromise</u></p> <p>In 2014, the European Commission will launch an evidence-based review covering the legal, economic and social effects of the system set down by this Regulation, including its effects on fundamental rights.</p>
	<i>In view of the fact that</i>		<i>In view of the fact that the Dublin</i>

	<p><i>the Dublin system was not intended to be a mechanism for equitably sharing responsibilities with regard to the examination of applications for international protection, and that a number of Member States are particularly exposed to migratory flows, in particular by virtue of their geographical location, it is essential to reflect on and propose legally binding instruments to ensure greater solidarity between Member States and higher standards of protection. Such instruments should especially facilitate the secondment of officials from other Member States to assist those Member States which are faced with specific pressures and where applicants cannot benefit from adequate standards of protection and, where the reception capacities</i></p>		<p>system was not intended to be a mechanism for equitably sharing responsibilities with regard to the examination of applications for international protection, and that a number of Member States are particularly exposed to migratory flows, in particular by virtue of their geographical location, it is essential to reflect on and propose legally binding instruments to ensure greater solidarity between Member States and higher standards of protection. <i>Part of such instruments is inter alia the EASO Regulation that provides for an Asylum Intervention Pool with Asylum support teams</i> to assist those Member States which are faced with particular pressure and where applicants cannot benefit from adequate standards of protection. Facilitation of <i>relocation</i> of beneficiaries</p>
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	<i>of one Member State are insufficient, facilitate the resettlement of beneficiaries of international protection in other Member States, providing that those concerned consent and that their fundamental rights are respected.</i>		<i>of international protection in other Member States could also be a solidarity measure in such circumstances and when the reception capacities of one Member State are insufficient, provided that those concerned consent and that their fundamental rights are respected</i>
(23) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ²³ applies to the processing of personal data by the Member States in application of this Regulation.	(28) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ²⁴ applies to the processing of personal data by the Member States in application of this Regulation.	(23) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ²⁵ applies to the processing of personal data by the Member States in application of this Regulation.	
(24) The exchange of	(29) The exchange of	(24) The exchange of	

²³ OJ L 281, 23.11.1995, p. 31.

²⁴ OJ L 281, 23.11.1995, p. 31.

²⁵ OJ L 281, 23.11.1995, p. 31.

applicant's personal data, including sensitive data concerning health, to be transferred before a transfer is carried out will ensure that the competent asylum authorities are in a position to provide applicants with adequate assistance and to ensure continuity in the protection and rights afforded to them. Special provision should be made to ensure the protection of data relating to applicants involved in this situation, in conformity with Directive 95/46/EC.	applicant's personal data, including sensitive data concerning health, to be transferred before a transfer is carried out will ensure that the competent asylum authorities are in a position to provide applicants with adequate assistance and to ensure continuity in the protection and rights afforded to them. Special provision should be made to ensure the protection of data relating to applicants involved in this situation, in conformity with Directive 95/46/EC.	applicant's personal data, including sensitive data concerning health, to be transferred before a transfer is carried out will ensure that the competent asylum authorities are in a position to provide applicants with adequate assistance and to ensure continuity in the protection and rights afforded to them. Special provision should be made to ensure the protection of data relating to applicants involved in this situation, in conformity with Directive 95/46/EC.	
(25) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communications between competent departments, reducing time limits for procedures or simplifying the processing of requests	(30) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of requests	(25) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communications between competent departments, reducing time limits for procedures or simplifying the processing of requests	

to take charge or take back, or establishing procedures for the performance of transfers.	to take charge or take back, or establishing procedures for the performance of transfers.	to take charge or take back, or establishing procedures for the performance of transfers.	
<p>(26) Continuity between the system for determining the Member State responsible established by the Dublin Convention ☒ Regulation (EC) No 343/2003 ☒ and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Council Regulation (EC) No 2725/2000 of 11 December 2000 [...] [concerning the establishment of "Eurodac <u>EURODAC</u>" for the comparison of fingerprints for the effective application of the Dublin Convention ☒ Regulation ☒].</p>	<p>(31) Continuity between the system for determining the Member State responsible established by the Regulation (EC) No 343/2003 and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Regulation (EC) No .../... of the European Parliament and of the Council of ... [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of Regulation (EC) No .../... establishing the criteria and mechanisms for</p>	<p>(26) Continuity between the system for determining the Member State responsible established by the Dublin Convention ☒ Regulation (EC) No 343/2003 ☒ and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Council Regulation (EC) No 2725/2000 of 11 December 2000 [...] [concerning the establishment of "Eurodac <u>EURODAC</u>" for the comparison of fingerprints for the effective application of the Dublin Convention ☒ Regulation ☒].</p>	Technical – agreed

26 ~~OJL 316, 15.12.2000, p.1~~

28 ~~OJL 316, 15.12.2000, p.1~~

	<i>determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person]</i> ²⁷ .		
<p>(27) The operation of the Eurodac <u>EURODAC</u> system, as established by Regulation (EC) No 2725/2000 [...] <input checked="" type="checkbox"/> [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] <input checked="" type="checkbox"/> and in particular the implementation of Articles 4 <u>6</u> and 8 <u>10</u> contained therein should facilitate the implementation <input checked="" type="checkbox"/> application <input checked="" type="checkbox"/> of this Regulation.</p>	<p>(32) The operation of the <i>Eurodac</i> system, as established by Regulation (EC) No .../... [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of Regulation (EC) No .../... <i>establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person</i>] and in</p>	<p>(27) The operation of the Eurodac <u>EURODAC</u> system, as established by Regulation (EC) No <u>2725/2000</u> [...] <input checked="" type="checkbox"/> [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] <input checked="" type="checkbox"/> and in particular the implementation of Articles 4 <u>6</u> and 8 <u>10</u> contained therein should facilitate the implementation <input checked="" type="checkbox"/> application <input checked="" type="checkbox"/> of this Regulation.</p>	Technical – agreed

	particular the implementation of Articles 6 and 10 <i>thereof</i> should facilitate the application of this Regulation.		
(28) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas ²⁹ , and in particular the implementation of Articles 21 and 22 contained therein should facilitate the application of this Regulation.	(33) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas ³⁰ , and in particular the implementation of Articles 21 and 22 <i>thereof</i> , should facilitate the application of this Regulation.	(28) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas ³¹ , and in particular the implementation of Articles 21 and 22 contained therein should facilitate the application of this Regulation.	
(29) With respect to the	(34) With respect to the	(29) With respect to the	Technical – agreed

²⁹ OJ L 218, 13.8.2008, p. 60.

³⁰ OJ L 218, 13.8.2008, p. 60.

³¹ OJ L 218, 13.8.2008, p. 60.

treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party.	treatment of persons falling within the scope of this Regulation, Member States are bound by obligations under instruments of international law to which they are party.	treatment of persons falling within the scope of this Regulation, Member States are bound by <u>☞ their ☞</u> obligations under instruments of international law <u>☞</u> , including the relevant case-law of the European Court of Human Rights. ☞ ☞ [...] ☞	
(30) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ³² .	(35) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ³³ .	(30) <u>☞ [...] ☞ ☞ In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. of the European Parliament and of the Council of 16 February 2011 ☞ laying down ☞ [...] ☞ ☞ the rules and general principles concerning mechanisms for control by the Member States</u>	COMITOLOGY

³² OJ L 184, 17.7.1999, p. 23.

³³ OJ L 184, 17.7.1999, p. 23.

		of the Commission's exercise of implementing powers.	
<p>(31) As regards Regulation (EC) No 343/2003, <input checked="" type="checkbox"/> In particular, <input checked="" type="checkbox"/> the Commission should be empowered to adopt the conditions and procedures for the implementing of the humanitarian clause <input checked="" type="checkbox"/> the provisions regarding unaccompanied minors and the reunification of dependent relatives <input checked="" type="checkbox"/> and to adopt the criteria necessary for carrying out transfers. Since those measures are of general scope and are designed to amend non-essential elements of <input checked="" type="checkbox"/> this <input checked="" type="checkbox"/> Regulation (EC) No 343/2003 by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.</p>	<p>(36) In particular, the Commission should be empowered to adopt the conditions and procedures for implementing the provisions regarding unaccompanied minors and the reunification of dependent relatives and to adopt the criteria necessary for carrying out transfers. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.</p>	<p>(31) <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/> The examination procedure should be used for the adoption of an information leaflet on Dublin/Eurodac, of procedures related to the implementation of measures concerning the reunification of unaccompanied minors with relatives and dependent persons with relations <input checked="" type="checkbox"/> [...], of procedures for preparing and transmitting take charge and take back requests, of establishing and revising the two lists indicating the elements of proof regarding a take charge request, the design of the laissez-passer, the procedures for carrying out transfers and meeting their costs, drawing a standard form of data exchange, the practical arrangements on the transfer of health data, the</p>	COMITOLOGY

		rules relating to the establishment of secure electronic transmission channels for all written correspondence, given that those acts are of general scope. ☹	
(32) The measures necessary for the implementation of Regulation (EC) No 343/2003 have been adopted by Regulation (EC) No 1560/2003. Certain provisions of Regulation (EC) No 1560/2003 should be incorporated into this Regulation, for reasons of clarity or because they can serve a general objective. In particular, it is important both for the Member States and the asylum seekers concerned, that there should be a general mechanism for finding a solution in cases where Member States differ over the application of a provision of this Regulation. It is therefore justified to incorporate	(37) The measures necessary for the implementation of Regulation (EC) No 343/2003 have been adopted by Regulation (EC) No 1560/2003. Certain provisions of Regulation (EC) No 1560/2003 should be incorporated into this Regulation, for reasons of clarity or because they can serve a general objective. In particular, it is important both for the Member States and <i>for</i> the asylum seekers concerned that there should be a general mechanism for finding a solution in cases where Member States differ over the application of a provision of this Regulation. It is therefore justified to incorporate	(32) The measures necessary for the implementation of Regulation (EC) No 343/2003 have been adopted by Regulation (EC) No 1560/2003. Certain provisions of Regulation (EC) No 1560/2003 should be incorporated into this Regulation, for reasons of clarity or because they can serve a general objective. In particular, it is important both for the Member States and the asylum seekers concerned, that there should be a general mechanism for finding a solution in cases where Member States differ over the application of a provision of this Regulation. It is therefore justified to incorporate	

the mechanism provided for in Regulation (EC) No 1560/2003 for the settling of disputes on the humanitarian clause into this Regulation and to extend its scope to the whole of this Regulation.	the mechanism provided for in Regulation (EC) No 1560/2003 for the settling of disputes on the humanitarian clause into this Regulation and to extend its scope to the whole of this Regulation.	the mechanism provided for in Regulation (EC) No 1560/2003 for the settling of disputes on the humanitarian clause into this Regulation and to extend its scope to the whole of this Regulation.	
(33) ⇒ The effective monitoring of ⇐ The application of the <input checked="" type="checkbox"/> this <input checked="" type="checkbox"/> Regulation should <input checked="" type="checkbox"/> requires that it <input checked="" type="checkbox"/> be evaluated at regular intervals.	(38) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.	(33) ⇒ The effective monitoring of ⇐ The application of the <input checked="" type="checkbox"/> this <input checked="" type="checkbox"/> Regulation should <input checked="" type="checkbox"/> requires that it <input checked="" type="checkbox"/> be evaluated at regular intervals.	
(34) The <input checked="" type="checkbox"/> This <input checked="" type="checkbox"/> Regulation observes <input checked="" type="checkbox"/> respects <input checked="" type="checkbox"/> the fundamental rights and <input checked="" type="checkbox"/> observes the <input checked="" type="checkbox"/> the principles which are acknowledged in particular in the Charter of Fundamental Rights of the European Union ³⁴ . In particular, <input checked="" type="checkbox"/> this Regulation <input checked="" type="checkbox"/> # seeks to ensure full observance of the right to asylum	(39) This Regulation respects the fundamental rights and observes the the principles which are acknowledged in particular in the Charter of Fundamental Rights of the European Union ³⁴ . In particular, this Regulation seeks to ensure full observance of the right to asylum guaranteed by Article 18 and to promote the application of Articles	(34) The <input checked="" type="checkbox"/> This <input checked="" type="checkbox"/> Regulation observes <input checked="" type="checkbox"/> respects <input checked="" type="checkbox"/> the fundamental rights and <input checked="" type="checkbox"/> observes the <input checked="" type="checkbox"/> the principles which are acknowledged in particular in the Charter of Fundamental Rights of the European Union ³⁵ . In particular, <input checked="" type="checkbox"/> this Regulation <input checked="" type="checkbox"/> # seeks to ensure full observance of the right to asylum	Technical - agreed

³⁴ OJ C 364, 18.12.2000, p. 1.

³⁵ OJ C 364, 18.12.2000, p. 1.

<p>guaranteed by Article 18 ⇒ and to promote the application of Articles 1, 4, 7, 24 and 47 of the said Charter and has to be applied accordingly ⇐.</p>	<p>1, 4, 7, 24 and 47 of the Charter and <i>should</i> be applied accordingly.</p>	<p>guaranteed by Article 18 ⇒ and [...] ⇐ ⇒ the rights recognized by ⇐ Articles 1, 4, 7, 24 and 47 of the said Charter and ⇒ [...] ⇐ ⇒ should ⇐ be applied accordingly ⇐.</p>	
<p>(35) Since the objective of the proposed measure, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third- country national ⇒ or a stateless person ⇐, cannot be sufficiently achieved by the Member States and, given the scale and effects, can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the</p>	<p>(40) Since the objective of <i>this Regulation</i>, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, cannot be sufficiently achieved by the Member States and, given <i>its</i> scale and effects, can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out</p>	<p>(35) Since the objective of the proposed measure, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third- country national ⇒ or a stateless person ⇐, cannot be sufficiently achieved by the Member States and, given the scale and effects, can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the</p>	

principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
		☞ [...] ☞	
		☞ [...] ☞	
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 and Ireland gave notice, by letters of 30 October 2001, of their wish to take part in the adoption and application of this Regulation.		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 and Ireland gave notice, by letters of 30 October 2001, of their wish to take part in the adoption and application of this Regulation.	
		☞ <u>In accordance with Article 3 and Article 4a(1) of the 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, these Member States have notified their</u>	Technical - agreed

		wish to take part in the adoption and application of the present Regulation ☐	
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 establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it nor subject to its application.		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 establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it nor subject to its application.	
		☑ <u>In accordance with Articles 1 and 2 of the Protocol (No 22) on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application</u> ☑	Technical - agreed
The Dublin Convention remains in force and continues to apply between Denmark and the Member States that are bound by this Regulation until such time an agreement allowing Denmark's participation in the Regulation has been concluded.		The Dublin Convention remains in force and continues to apply between Denmark and the Member States that are bound by this Regulation until such time an agreement allowing Denmark's participation in the Regulation has been concluded.	

HAVE ADOPTED REGULATION:	THIS	HAVE ADOPTED REGULATION:	THIS	HAVE ADOPTED REGULATION:	THIS	
CHAPTER I		CHAPTER I		CHAPTER I		
SUBJECT-MATTER AND DEFINITIONS		SUBJECT-MATTER AND DEFINITIONS		SUBJECT-MATTER AND DEFINITIONS		
<i>Article 1</i>		Article 1		<i>Article 1</i>		
⊗ Subject-matter ⊗		Subject-matter		⊗ Subject-matter ⊗		
This Regulation lays down the criteria and mechanisms for determining the Member State responsible for examining an application for asylum ⇒ international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐.		This Regulation lays down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.		This Regulation lays down the criteria and mechanisms for determining the Member State responsible for examining an application for asylum ⇒ international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐.		
<i>Article 2</i>		Article 2		<i>Article 2</i>		
⊗ Definitions ⊗		Definitions		⊗ Definitions ⊗		
For the purposes of this Regulation:		For the purposes of this Regulation:		For the purposes of this Regulation:		

<p>(a) "third-country national" means anyone ☒ any person ☒ who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community ⇒ and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of Regulation (EC) No 562/2006 of the European Parliament and of the Council³⁶ ⇐;</p>	<p>(a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty and who is not a person enjoying the Community right of free movement, as defined in Article 2(5) of Regulation (EC) No 562/2006 of the European Parliament and of the Council³⁷;</p>	<p>(a) "third-country national" means anyone ☒ any person ☒ who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community ⇒ and who is not ☞ [...] ☞ ☞ national of a state which participates in this Regulation by virtue of an agreement with the European Community. ☞ ⇐;</p>	<p>Agreed</p>
<p>(b) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</p>		<p>(b) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</p>	
<p>(c) "application for asylum" means the application made by a third-country national which can be understood as a request for international protection</p>		<p>(c) "application for asylum" means the application made by a third-country national which can be understood as a request for international protection</p>	

³⁶ OJ L 105, 13.4.2006, p.1.

³⁷ OJ L 105, 13.4.2006, p.1.

from a Member State, under the Geneva Convention. Any application for international protection is presumed to be an application for asylum, unless a third country national explicitly requests another kind of protection that can be applied for separately;		from a Member State, under the Geneva Convention. Any application for international protection is presumed to be an application for asylum, unless a third country national explicitly requests another kind of protection that can be applied for separately;	
(b) "application for international protection" means an application for international protection as defined in Article 2(g) of Directive 2004/83/EC;	(b) "application for international protection" means an application for international protection as defined in Article 2(g) of Directive 2004/83/EC;	(b) "application for international protection" means an application for international protection as defined in Article 2(g) of Directive 2004/83/EC;	Technical - agreed; reference should be made to Article 2(h) of Directive 2011/95/EU.
(c)(d) "applicant" or "asylum seeker" means a third country national ⇨ or a stateless person ⇨ who has made an application for asylum ⇨ international protection ⇨ in respect of which a final decision has not yet been taken;	(c) "applicant" or "asylum seeker" 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;	(c)(d) "applicant" or "asylum seeker" means a third country national ⇨ or a stateless person ⇨ who has made an application for asylum ⇨ international protection ⇨ in respect of which a final decision has not yet been taken;	
(d)(e) "examination of an asylum application ⇨ for international	(d) "examination of an application for international protection"	(d)(e) "examination of an asylum application ⇨ for international	Technical - agreed

<p>protection ⇐ " means any examination of, or decision or ruling concerning, an application for asylum ⇒ international protection ⇐ by the competent authorities in accordance with national law ⇒ Council Directive 2005/85/EC³⁸, ⇐ except for procedures for determining the Member State responsible in accordance with this Regulation ⇒ , and Directive 2004/83/EC ⇐;</p>	<p>means any examination of, or decision or ruling concerning, an application for international protection by the competent authorities in accordance with Council Directive 2005/85/EC³⁹, except for procedures for determining the Member State responsible in accordance with this Regulation, and Directive 2004/83/EC;</p>	<p>protection ⇐ " means any examination of, or decision or ruling concerning, an application for asylum ⇒ international protection ⇐ by the competent authorities in accordance with national law ⇒ Council Directive 2005/85/EC⁴⁰ ⇐ and Directive 2004/83/EC ⇐, ⇐ except for procedures for determining the Member State responsible in accordance with this Regulation ⇒ ⇐ [...] ⇐ ⇐;</p>	
<p>(e) "withdrawal of the an asylum application ⇒ for international protection ⇐ " means the actions by which the applicant for asylum terminates the procedures initiated by the submission of his/her application for asylum</p>	<p>(e) "withdrawal of an application for international protection" means the actions by which the applicant terminates the procedures initiated by the submission of his/her application for international</p>	<p>(e) "withdrawal of the an asylum application ⇒ for international protection ⇐ " means the actions by which the applicant for asylum terminates the procedures initiated by the submission of his/her application for asylum</p>	

³⁸ OJ L 326, 13.12.2005, p.13.

³⁹ OJ L 326, 13.12.2005, p. 13.

⁴⁰ OJ L 326, 13.12.2005, p.13.

⇒ international protection ⇐ , in accordance with national law ⇒ Directive 2005/85/EC, ⇐ either explicitly or tacitly;	protection, in accordance with Directive 2005/85/EC, either <i>expressly</i> or <i>impliedly</i> ;	⇒ international protection ⇐ , in accordance with national law ⇒ Directive 2005/85/EC, ⇐ either explicitly or tacitly;	
(f)(e) "refugee" ⇒ person granted international protection ⇐ " means any ☒ a ☒ third-country national ⇒ or a stateless person recognised as in need of international protection as defined in Article 2(a) of Directive 2004/83/EC ⇐ qualifying for the status defined by the Geneva Convention and authorised to reside as such on the territory of a Member State;	(f) "person granted international protection" means a third-country national or a stateless person recognised as <i>being</i> in need of international protection as defined in Article 2(a) of Directive 2004/83/EC;	(f)(e) "refugee" ⇒ person granted international protection ⇐ " means any ☒ a ☒ third-country national ⇒ or a stateless person recognised as ☞ [...] ☞ ☞ entitled to ☞ international protection as defined in Article 2(a) of Directive 2004/83/EC ⇐ qualifying for the status defined by the Geneva Convention and authorised to reside as such on the territory of a Member State;	Technical - agreed
(g) "minor" means a third-country national or a stateless person below the age of 18 years;	(g) "minor" means a third-country national or a stateless person below the age of 18 years;		See new h) Council text - identical
(h) "unaccompanied minor" means unmarried persons below the age of	(h) "unaccompanied minor" means a minor who arrives in the territory of		See new i) Council text

<p>eighteen ⇒ a minor who arrive arrives in the territory of the Member States unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of the Member States;</p>	<p>the Member States unaccompanied by an adult responsible for <i>him/her</i> whether by law or by custom, and for as long as <i>he/she is</i> not effectively taken into the care of such a person; it includes minors who are left unaccompanied after they have entered the territory of Member States;</p>		
<p>(i) "family members" means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States:</p>	<p>(i) "family members" means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States:</p>	<p>⇒ [...] ⇐ ⇒ (g) "family members" means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States: ⇐</p>	<p>Agreed in so far as coherent with QD</p>
<p>(i) the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the</p>	<p>– the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the</p>	<p>⇒ (i) the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the</p>	

Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to aliens;	Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to <i>foreigners</i> ;	Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to <u>☞ [...] ☛</u> third country nationals; ☛	
(ii) the minor children of couples referred to in point (i) or of the applicant, on condition that they are unmarried and dependent and regardless of whether they were born in or out of wedlock or adopted as defined under the national law;	– the minor children of couples referred to in <i>the first indent</i> 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 defined under the national law;	<u>☞ (ii)</u> the minor children of couples referred to in point (i) or of the applicant, on condition that they are unmarried <u>☞ [...] ☛</u> and regardless of whether they were born in or out of wedlock or adopted as defined under the national law; ☛	
		<u>☞ [...] ☛</u>	
(iii) the married minor children of couples referred to in point (i) or of the applicant,	– the married minor children of couples referred to in <i>the first indent</i> or of the applicant,	<u>☞ (iii)</u> when the applicant is a minor and unmarried the father, mother or another adult	

<p>regardless of whether they were born in or out of wedlock or adopted as defined under the national law, where it is in their best interests to reside with the applicant;</p>	<p>regardless of whether they were born in or out of wedlock or adopted as defined under the national law and provided they are not accompanied by their spouses, where it is in their best interests to reside with the applicant;</p>	<p>☞ [...] ☹ responsible for the ☞ [...] ☹ him/her whether by ☞ [...] ☹ law or ☞ [...] ☹ by the national practice of the Member State where the adult is present. ☞ [...] ☹ ☹</p>	
<p>(iv)(iii) the father, mother or guardian when ☒ of ☒ the applicant or refugee ☒ when the latter ☒ is a minor and unmarried, ☞ or when he is a minor and married but it is in his/her best interests to reside with his/her father, mother or guardian ⇐;</p>	<p>– the father, mother or guardian of the applicant when the <i>applicant</i> is a minor and unmarried, or when he/<i>she</i> is a minor and married and not accompanied by his/her spouse but it is in his/her best interests to reside with his/her father, mother or guardian;</p>	<p>☞ (iv) when the person granted international protection is a minor and unmarried the father, mother or another adult responsible for ☞ [...] ☹ him/her by law or by the national practice of the Member State where the person granted international protection is present ☹</p>	

<p>(v) the minor unmarried siblings of the applicant, when the latter is a minor and unmarried, or when the applicant or his/her siblings are minors and married but it is in the best interests of one or more of them that they reside together;</p>	<p>– the minor unmarried siblings of the applicant, when the <i>applicant</i> is a minor and unmarried, or when the applicant or his/her siblings are minors and married <i>and not accompanied by his/her spouse</i> but it is in the best interests of one or more of them that they reside together;</p>	<p>➡ [...] Ⓒ</p>	
		<p>➡ ga) “relative” ➡ [...] Ⓒ means, the following persons who are present in the territory of the Member States: Ⓒ</p>	<p><u>Council draft compromise</u> relative’ means the following persons who are present in the territory of the Member States:</p>
		<p>- ➡ the adult aunt/uncle or ➡ [...] Ⓒ -grandparent of the applicant who has previously been responsible for the applicant’s care; Ⓒ</p>	<p><u>EP compromise</u> : deletion of 'who has previously been responsible' <u>Council draft compromise</u> - the grandparent of the</p>















			<p>applicant</p> <ul style="list-style-type: none"> - the adult aunt/uncle of the <u>applicant provided that he/she was a member of the same household as the applicant in their country of origin</u> -
		<p>☞ regardless of whether they were born in or out of wedlock or adopted as defined under national law. ☞</p>	<p><u>Council draft compromise</u></p> <p>regardless of whether they were born in or out of wedlock or adopted as defined under national law.</p>
		<p>☞ gb) “a relation ☞ [...] ☞ means, the following persons who are present in the territory of the Member States: ☞</p>	
		<p>- ☞ the child, sibling or parent of the applicant ☞ [...] ☞ ; ☞</p>	
		<p>☞ regardless of whether</p>	

		they were born in or out of wedlock or adopted as defined under national law. ☹	
		☹ [...] ☹ ☹ (h) ☹ “minor” means a third-country national or a stateless person below the age of 18 years;	Identical to text under g) (COM and EP text)
		☹ [...] ☹ ☹ (i) ☹ “unaccompanied minor” means unmarried persons below the age of eighteen ⇒ ☹ an unmarried ☹ ☹ [...] ☹ minor who ⇐ arrive ☹ 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 minors who are left unaccompanied after	<u>EP Compromise:</u> “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 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 minor who is left unaccompanied after he or she has entered the territory of Member States; <u>Council draft compromise</u> “ "unaccompanied minor" means unmarried persons below

		they have entered the territory of the Member States;	<p> the age of eighteen ⇒ an unmarried ... minor who arrive ⊗ arrives ⊗ on 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 minors who are left unaccompanied after he or she they have entered the territory of the Member States” <i>Thereby effectively aligning the definition with the Qualification Directive.</i> </p>
		(i) "representative" means a person or an organisation appointed by the competent bodies in order to assist and represent the unaccompanied minor in	

		<u>procedures provided for in this Regulation with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out the duties of this organisation in respect of the minor, in accordance with this Regulation.</u>	
(j) "residence document" means any authorisation issued by the authorities of a Member State authorising a third-country national ⇨ or a stateless person ⇐ to stay in its territory, including the documents substantiating the authorisation to remain in the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the	(j) "residence document" means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay in its territory, including the documents substantiating the authorisation to remain in the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and	(k) "residence document" means any authorisation issued by the authorities of a Member State authorising a third-country national ⇨ or a stateless person ⇐ to stay in its territory, including the documents substantiating the authorisation to remain in the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the	

exception of visas and residence authorisations issued during the period required to determine the responsible Member State as established in this Regulation or during examination of an application for asylum ⇒ international protection ⇐ or an application for a residence permit;	residence authorisations issued during the period required to determine the responsible Member State as established in this Regulation or during examination of an application for international protection or an application for a residence permit;	exception of visas and residence authorisations issued during the period required to determine the responsible Member State as established in this Regulation or during examination of an application for asylum ⇒ international protection ⇐ or an application for a residence permit;	
(k) "visa" means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:	(k) "visa" means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:	⇒ [...] ⇐ (l) ⇐ "visa" means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:	Technical – agreed
(i) "long-stay visa" means the authorisation or decision of a Member State required for entry	(i) "long-stay visa" means the authorisation or decision of a Member State required for entry	(i) "long-stay visa" means ⇒ [...] ⇐ ⇒ an ⇐ authorisation or decision ⇒ issued by ⇒ [...] ⇐ one of	

for an intended stay in that Member State of more than three months;	for an intended stay in that Member State of more than three months;	the  [...]  Member  [...]  States in accordance with its national law or EU law  [...]  required for entry for an intended stay in that Member State of more than three months;	
(ii) "short-stay visa" means the authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed three months;	(ii) "short-stay visa" means the authorisation or decision of a Member State required for entry for an intended stay in that <i>Member</i> State or in several Member States for a period whose total duration does not exceed three months;	(ii) "short-stay visa" means  [...]   an  authorisation or decision of a Member State  with a view to transit through or an intended stay in the territory of one, more or all the Member States of a duration of no more than three months in any six-month period from the date of first entry in the territory of the Member States;   [...] 	

(iii) "transit visa" means the authorisation or decision of a Member State for entry for transit through the territory of that Member State or several Member States, except for transit at an airport;	(iii) "transit visa" means the authorisation or decision of a Member State for entry for transit through the territory of that Member State or several Member States, except for transit at an airport;	☞ [...] ☞	
(iv) "airport transit visa" means the authorisation or decision allowing a third-country national specifically subject to this requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two sections of an international flight;	(iv) "airport transit visa" means the authorisation or decision allowing a third-country national specifically subject to <i>such a</i> requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two <i>legs</i> of an international flight;	☞ (iii) ☞ "airport transit visa" means ☞ [...] ☞ ☞ a visa valid for transit through the international transit areas of one or more airports, of the Member States. ☞ ☞ [...] ☞	
(l) "risk of absconding"	(l) "risk of absconding"	☞ [...] ☞	EP rejects deletion. To be further

means the existence of reasons in an individual case, which are based on objective criteria defined by law, to believe that an applicant or a third-country national or a stateless person who is subject to a transfer decision may abscond.	means the existence of reasons in an individual case, which are based on objective criteria defined by law, to believe that an applicant or a third-country national or a stateless person who is subject to a transfer decision may abscond.		considered with Article 27. <u>Commission draft compromise</u> "risk of absconding" means the existence of reasons in an individual case, which are based on objective criteria defined by law, to believe that an applicant or a third-country national or a stateless person who is subject to a the transfer procedures decision established in this Regulation may abscond.
CHAPTER II	CHAPTER II	CHAPTER II	
GENERAL PRINCIPLES AND SAFEGUARDS	GENERAL PRINCIPLES AND SAFEGUARDS	GENERAL PRINCIPLES AND SAFEGUARDS	
<i>Article 3</i>	Article 3	<i>Article 3</i>	
Access to the procedure for examining an application for international protection	Access to the procedure for examining an application for international protection	Access to the procedure for examining an application for international protection	
1. Member States shall examine the any application for international protection of any by a third-country national or a	1. Member States shall examine any application for international protection by a third-country national or a	1. Member States shall examine the any application for international protection of any by a third-country national or a	

	<p>stateless person ⇐ who applies⊗ on the territory of any one of them, including ⊗ at the border or in ⇨ the transit zones ⇐ their territory to any one of them for asylum. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III ⊗ of this Regulation ⊗ indicate is responsible.</p>	<p>stateless person who applies on the territory of any one of them, including at the border or in <i>a transit zone</i>. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III of this Regulation indicate is responsible.</p>	<p>stateless person ⇐ who applies⊗ on the territory of any one of them, including ⊗ at the border or in ⇨ the transit zones ⇐ their territory to any one of them for asylum. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III ⊗ of this Regulation ⊗ indicate is responsible.</p>	
<p><u>2.</u> Where no Member State responsible for examining the application for ⇨ international protection ⇐ asylum can be designated on the basis of the criteria listed in this Regulation, the first Member State with which the application for asylum ⇨ international protection ⇐ was lodged shall be responsible for examining it.</p>	<p>2. Where no Member State responsible for examining the application for international protection can be designated on the basis of the criteria listed in this Regulation, the first Member State with which the application for international protection <i>is</i> lodged shall be responsible for examining it.</p>	<p><u>2.</u> Where no Member State responsible for examining the application for ⇨ international protection ⇐ asylum can be designated on the basis of the criteria listed in this Regulation, the first Member State with which the application for asylum ⇨ international protection ⇐ was lodged shall be responsible for examining it.</p>		
				<p><u>Suggestion of the Rapporteur, additional to Compromise for</u></p>

			<p><u>Article 3:</u></p> <p>2a. <i>When the transfer to the Member State primarily designated on the basis of paragraph 1 of this Article cannot be carried out because of substantial grounds for believing that due to systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that Member State, which would result in the applicant facing a real risk of violation of his fundamental rights, the Member State conducting the procedure for determining the Member State responsible shall examine further subsequent criteria within the hierarchy of criteria listed in this Regulation. When no Member State can be designated responsible neither on the basis of those criteria nor on the basis of paragraph 2 of this Article, or the transfer to the designated Member State cannot be carried out for the above-mentioned reason i.e. the real risk of the violation of fundamental rights of the applicant, the Member State conducting the procedure for determining the Member State responsible shall examine the application itself</i></p> <p><u>Council draft compromise</u></p> <p>2A) Where it is impossible to</p>
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			transfer an applicant to another Member State because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and reception conditions for asylum applicants in the Member State responsible resulting in inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the Member State which should carry out the transfer may continue to examine the criteria set out in Chapter III in order to establish whether one of the following criteria enables another Member State to be identified as responsible for the examination of the asylum application.”
<u>3.</u> Any Member State shall retain the right, pursuant to its national laws, to send an asylum seeker to a ⇒ safe ⇐ third country,	3. Any Member State shall retain the right to send an asylum seeker to a safe third country, subject to the rules and safeguards	<u>3.</u> Any Member State shall retain the right, pursuant to its national laws, to send an asylum seeker to a ⇒ safe ⇐ third country,	

in compliance with the provisions of the Geneva Convention ⇒ subject to the rules and safeguards laid down in Directive 2005/85/EC ⇐.	laid down in Directive 2005/85/EC.	in compliance with the provisions of the Geneva Convention ⇒ subject to the rules and safeguards laid down in Directive 2005/85/EC ⇐.	
<u>Article 4</u>	Article 4	<u>Article 4</u>	
⊗ Right to information ⊗	Right to information	⊗ Right to information ⊗	
<p><u>41.</u> ⇒ As soon as an application for international protection is lodged, the competent authorities of Member States shall inform ⇐ The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding ⊗ of ⊗ the application of this Regulation, its time limits and its effects. ⇒ , and in particular of:⇐</p>	<p>1. As soon as an application for international protection is lodged, the competent authorities of Member States shall inform the asylum seeker of the application of this Regulation, and in particular of:</p>	<p><u>41.</u> ⇒ As soon as an application for international protection is lodged ⇐ <u>in the meaning of Article 20(2) of this Regulation</u> ⇐ , the competent authorities of Member States shall inform ⇐ The asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding ⊗ of ⊗ the application of this Regulation, its time limits and its effects. ⇒ , and in particular of:⇐</p>	Agreed
(a) the objectives of this Regulation and	(a) the objectives of this Regulation and	(a) the objectives of this Regulation and	Agreed

the consequences of making another application in a different Member State;	the consequences of making another application in a different Member State;	the consequences of making another application in a different Member State ➡ as well as the consequences of moving from a Member State to another one during the determination of the Member State responsible under this Regulation and during the examination of the application for international protection ☹ ;	
(b) the criteria for allocating responsibility and their hierarchy;	(b) the criteria for allocating responsibility and their hierarchy;	(b) the criteria for allocating responsibility, ➡ [...] ☹ ➡ the different steps of the procedure, ➡ and their duration ☹ ➡ [...] ☹ ➡ [...] ☹ ➡ [...] ☹ ; ☹	Rejection of the deletion 'and their hierarchy'
(c) the general procedure and time-limits to be followed by the	(c) the general procedure and time-limits to be followed by the	➡ (bc) the ➡ [...] ☹ personal interview pursuant to Article 5 and the	Agreed

Member States;	Member States;	possibility to submit information regarding the presence of family members within the meaning of Article 2 (g), siblings ☞ [...] ☞ relatives ☞ [...] ☞ or relations in the Member States, including the means by which the applicant can submit such information; ☞	
(d) the possible outcomes of the procedure and their consequences;	(d) the possible outcomes of the procedure and their consequences;	☞ [...] ☞	Agreed
(e) the possibility to challenge a transfer decision;	(e) the possibility to challenge a transfer decision;	☞ [...] ☞ ☞ (c) ☞ the possibility to challenge a transfer decision;	Agreed
(f) the fact that the competent authorities can exchange data on him/her for the sole purpose of implementing the	(f) the fact that the competent authorities may exchange data on him/her for the sole purpose of implementing the	☞ [...] ☞ ☞ (d) ☞ the fact that the competent authorities ☞ of Member States ☞ can exchange data on him/her for the	Agreed

obligations arising under this Regulation;	obligations arising under this Regulation;	sole purpose of implementing the obligations arising under this Regulation;	
(g) the existence of the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, including the right to receive information on the procedures for exercising those rights and the contact details of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.	(g) ■ the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, <i>as well as</i> the procedures for exercising those rights, <i>including</i> the contact details <i>of the authorities referred to in Article 34 and</i> of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.	➡ [...] Ⓒ ➡ (e) Ⓒ the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, ➡ [...] Ⓒ ➡ as well as Ⓒ the procedures for exercising those rights ➡ [...] Ⓒ ➡ including Ⓒ the contact details ➡ of the authorities referred to in Article 33 Ⓒ and of the National Data Protection Authorities which shall hear claims concerning the protection of	Agreed

		personal data.	
2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant is reasonably supposed to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.	2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant <i>understands or may reasonably be presumed</i> to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.	2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant <u>understands or may</u> <u>reasonably</u> <u>be presumed</u> to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.	Agreed, but linguistically to be harmonised with QD: a language they understand or are reasonably supposed to understand
Where necessary for the proper understanding of the applicant, the information shall also be supplied orally, at the interview organised pursuant to Article 5.	<i>For</i> the proper understanding of the applicant, the information shall also be supplied orally, at the interview <i>arranged</i> pursuant to Article 5.	Where necessary for the proper understanding of the applicant, <u>the information shall also be supplied orally</u> <u>for example</u> <u>in connection with the personal interview as stipulated in Article 5</u> .	Agreed
Member States shall provide the information in a manner appropriate to the age of the applicant.	Member States shall provide the information in a manner appropriate to the age of the applicant.	<u>the information shall also be supplied orally</u>	Pending

3. A common leaflet containing at least the information referred to in paragraph 1 shall be drawn up in accordance with the procedure referred to in Article 40(2).	3. A common leaflet containing at least the information referred to in paragraph 1 shall be drawn up in accordance with the <i>regulatory</i> procedure referred to in <i>Article 41(2)</i> .	3. A common leaflet ➡, as well as a specific leaflet for unaccompanied minors, ➡ containing at least the information referred to in paragraph 1 shall be drawn up in accordance with the procedure referred to in Article 40(2). ➡ This common leaflet shall also include information regarding the application of the Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Regulation (EC) No [...] and in particular the purpose for which the data of the asylum seeker concerned will be processed within EURODAC. ➡	COMITOLOGY
Article 5	Article 5	Article 5	
Personal interview	Personal interview	Personal interview	

<p>1. The Member State carrying out the process of determining the Member State responsible under this Regulation, shall give applicants the opportunity of a personal interview with a qualified person under national law to conduct such an interview.</p>	<p>1. The Member State carrying out the process of determining the Member State responsible under this Regulation shall <i>call the</i> applicants <i>for</i> a personal interview with a qualified person under national law to conduct such an interview.</p>	<p>1. The Member State carrying out the process of determining the Member State responsible under this Regulation <u>☞ [...] ☞</u>, <u>☞ shall ☞</u> <u>☞ [...] ☞</u> <u>☞ [...] ☞</u> conduct a personal interview <u>☞ [...] ☞</u> <u>☞ in order to facilitate the process of determining the Member State responsible. The interview shall ☞ [...] ☞</u> also allow <u>☞ [...] ☞</u> the proper understanding of the information supplied to <u>☞ [...] ☞</u> the applicant in accordance with Article 4. ☞</p>	<p>Agreed</p>
<p>2. The personal interview shall be for the purpose of facilitating the process of determining the Member State responsible, in particular for allowing the applicant to submit relevant information necessary for the correct identification of the responsible Member State, and for the purpose</p>	<p>2. The personal interview shall <i>have</i> the purpose of facilitating the process of determining the Member State responsible, in particular <u>☞</u> allowing the applicant to submit <i>the</i> relevant information necessary for the correct identification of the responsible Member State, <i>as well as</i> the</p>	<p><u>☞ [...] ☞</u></p>	<p>Agreed, if insertion in par.2(b) Council text is accepted</p>

of informing the applicant orally about the application of this Regulation.	purpose of informing the applicant orally about the application of this Regulation.		
		2. The interview may be omitted if: (
		(a) the applicant has absconded; or (
		(b ([...]) [...]) after having received the information referred to in Article 4 the applicant [...] has already provided [...] information relevant to carry out the process of determining the Member State responsible under this Regulation by any other means. ([...]) The Member State omitting the interview [...] shall give the applicant the opportunity to present further information relevant to carry out the process of determining the Member	(b after having received the information referred to in Article 4 the applicant has already provided information relevant to carry out the process of determining the Member State responsible under this Regulation by any other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information relevant to correctly carry out the process of determining the Member State responsible before a decision is taken to transfer the applicant to

		State responsible before a decision is taken to transfer the applicant to the responsible Member State pursuant to Article 25(1). ☹	the responsible Member State pursuant to Article 25(1).
3. The personal interview shall take place in a timely manner following the lodging of an application for international protection and, in any event, before any decision is taken to transfer the applicant to the responsible Member State pursuant to Article 25(1).	3. The personal interview shall take place in a timely manner following the lodging of an application for international protection and, in any event, before any decision is taken to transfer the applicant to the responsible Member State pursuant to Article 25(1).	☞ 3. ☹ ☞ [...] ☹ ☞ [...] ☹ The personal interview shall take place in a timely manner ☞ [...] ☹ ☞ [...] ☹ and, in any event, before any decision is taken to transfer the applicant to the responsible Member State pursuant to Article 25(1).	Agreed
4. The personal interview shall take place in a language that the applicant is reasonably supposed to understand and in which he is able to communicate. Where necessary, Member States shall select an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the	4. The personal interview shall take place in a language that the applicant <i>understands or may</i> reasonably <i>be presumed to</i> understand and in which he/she is able to communicate. Where necessary, Member States shall select an interpreter who is able to ensure appropriate communication between	☞ 4. ☹ ☞ [...] ☹ ☞ [...] ☹ The personal interview shall take place in a language that the applicant ☞ understands or may ☹ ☞ [...] ☹ reasonably ☞ [...] ☹ ☞ be presumed ☹ to understand and in which he ☞ /she ☹ is able to communicate. Where necessary, Member States shall select an interpreter who is able to ensure	Agreed, but linguistically to be harmonised with QD: a language they understand or are reasonably supposed to understand

personal interview.	the applicant and the person who conducts the personal interview.	appropriate communication between the applicant and the person who conducts the personal interview.	
5. The personal interview shall take place under conditions which ensure appropriate confidentiality.	5. The personal interview shall take place under conditions which ensure appropriate confidentiality.	<p>→ 5. → [...] → [...] → The personal interview shall take place under conditions which ensure appropriate confidentiality. → It shall be conducted by a <u>qualified person under national law.</u> →</p>	Agreed
6. The Member State conducting the personal interview shall make a short written report containing the main information supplied by the applicant at the interview and shall make a copy of that report available to the applicant. The report shall be attached to any transfer decision pursuant to Article 25(1).	6. The Member State conducting the personal interview shall make a short written report containing the main information supplied by the applicant at the interview and shall make a copy of that report available to the applicant. The report shall be attached to any transfer decision pursuant to Article 25(1).	<p>→ 6. → [...] → [...] → The Member State conducting the personal interview shall make a → [...] → written → [...] → summary → containing → at least → the main information supplied by the applicant at the interview → [...] → . This summary may either take the form of a report or a standard form. The Member State → shall → ensure that the applicant and/or a legal advisor or other counsellor who is</p>	Pending

		representing him/her have timely access to the ☞ [...] ☞ summary. ☞ ☞ [...] ☞	
Article 6	Article 6	Article 6	
Guarantees for minors	Guarantees for minors	Guarantees for ☞ [...] ☞ minors	
1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.	1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.	1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.	Identical
2. Member States shall ensure that a representative represents and/or assists the unaccompanied minor with respect to all procedures provided for in this Regulation. This representative may also be the representative referred to in Article 23 of Directive [...] /EC] [laying down minimum standards for the	2. Member States shall ensure that a representative <i>within the meaning of Article 2(i) of Directive 2005/85/EC</i> represents and/or assists the unaccompanied minor with respect to all procedures provided for in this Regulation. This representative may also be the representative referred to in Article 24 of Directive [...] /EC	2. Member States shall ensure that a representative represents and/or assists the unaccompanied minor with respect to all procedures provided for in this Regulation. ☞ [...] ☞ ☞ The representative shall ☞ [...] ☞ have the necessary expertise in view of ensuring that the best interests of the minor	Pending

reception of asylum seekers].	[laying down minimum standards for the reception of asylum seekers].	are taken into consideration therefore he/she—shall have access to the content of the relevant documents in the applicant's file ➡ [...] ⬅ ➡ [...] ⬅ including the specific leaflet for unaccompanied minors. ⬅	
3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:	3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:	3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:	
(a) family reunification possibilities;	(a) family reunification possibilities;	(a) family reunification possibilities;	
(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 the minor's ethnic, religious, cultural and linguistic background;	(b) the minor's well-being and social development ➡ [...] ⬅;	<p><u>EP could agree if it is inserted in a Recital:</u></p> <p>Recital (10):</p> <p>In accordance with the 1989 United Nations Convention on the Rights of the Child and as recognised in the Charter of Fundamental Rights of the European Union, the best interests</p>

			of the child should be a primary consideration of Member States in the application of this Regulation. <i>In assessing the best interest of the child, Member States should in particular take due account of the minor's wellbeing and social development, inter alia his/her ethnic, religious and cultural background.</i> In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.
(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;	(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;	(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;	
(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.	
4. Member States shall establish procedures in	4. Member States shall establish procedures for	4. [...] The Member State [...]	<u>Agreed text EP Council:</u>

<p>national legislation for tracing the family members or other relatives present in the Member States of unaccompanied minors. They shall start to trace the members of the unaccompanied minor's family or other relatives as soon as possible, after the lodging of the application for international protection whilst protecting his/her best interests.</p>	<p>tracing the family members or other relatives present in the Member States of unaccompanied minors, <i>where necessary with the assistance of international or other relevant organisations</i>. They shall start to trace the members of the unaccompanied minor's family or other relatives as soon as possible after the lodging of the application for international protection while protecting his/her best interests.</p>	<p>in which the application for international protection was lodged by the unaccompanied minor shall, as soon as possible, and [...] on account [...] of information [...] [...] [...] making it possible to identify a [...] family member within the meaning of Article 2(g), sibling [...] or other relatives [...] within the meaning of [...] [...] Article 2 (ga) [...] on the territory of Member States [...] [...] [...] take appropriate action on the basis of such information, for the purpose of applying Article 8 of this Regulation [...] whilst protecting [...] the minor's best interests.</p>	<p>"The Member State in which the application for international protection was lodged by the unaccompanied minor shall, as soon as possible, take appropriate action to identify the family members or the relatives of the unaccompanied minor for the purpose of applying Article 8, whilst protecting the minor's best interests. To that end, they may call for assistance of international or other relevant organisations, including through facilitating the minor's access to the tracing services of such organisations."</p>
<p>5. The competent authorities referred to in Article 33</p>	<p>5. The competent authorities referred to in Article 34</p>	<p>[...]</p>	<p><u>Compromise EP:</u></p>

who deal with requests concerning unaccompanied minors shall receive appropriate training concerning the specific needs of minors.	who deal with requests concerning unaccompanied minors shall receive appropriate training concerning the specific needs of minors.		The competent authorities referred to in Article 33 who deal with requests concerning unaccompanied minors shall have had and continue to receive appropriate training concerning the specific needs of minors.
		<p>➡ 5. Procedures for implementing paragraph 4 shall be adopted in accordance with the procedure referred to in Article 40(2). ⬅</p>	COMITOLOGY
	6. <i>Within the framework of the application of this Regulation and under the conditions laid down in Article 17 of Directive 2005/85/EC, Member States may use medical examinations to determine the age of unaccompanied minors.</i>		Pending
	<i>In cases where medical examinations are used, Member States shall ensure that they are</i>		

	<i>conducted in a reasonable and thorough manner, as required by scientific and ethical standards.</i>		
CHAPTER III	CHAPTER III	CHAPTER III	
HIERARCHY OF CRITERIA		HIERARCHY OF CRITERIA	
⊗ CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE ⊗	CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE	⊗ CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE ⊗	
<i>Article 5 7</i>	Article 7	<i>Article 5 7</i>	
⊗ Hierarchy of criteria ⊗	Hierarchy of criteria	⊗ Hierarchy of criteria ⊗	
1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.	1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.	1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.	
2. The Member State responsible in accordance with the criteria ⊗ set out in this Chapter ⊗ shall be determined on the	2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of	2. The Member State responsible in accordance with the criteria ⊗ set out in this Chapter ⊗ shall be determined on the	

basis of the situation obtaining when the asylum seeker first lodged his/her application ⇒ for international protection ⇐ with a Member State.	the situation <i>existing</i> when the asylum seeker first lodged his/her application for international protection with a Member State.	basis of the situation obtaining when the asylum seeker first lodged his/her application ⇒ for international protection ⇐ with a Member State.	
3. By way of derogation from paragraph 2, in order to ensure respect for the principle of family unity and of the best interests of the child, the Member State responsible in accordance with the criteria laid down in Articles 8 to 12 shall be determined on the basis of the situation obtaining when the asylum seeker lodged his/her most recent application for international protection. This paragraph shall apply on condition that the previous applications of the asylum seeker have not yet been subject of a first decision regarding the substance.	■	⇒ [...] ⇐	
		⇒ 3. In view of the application of the criteria referred to in Article 8, 10 and 11,	Acceptable to EP

		<p>Member States shall take into consideration any available evidence regarding the presence ☹ [...] ☹ on the territory of a Member State of family members within the meaning of Article 2(g), sibling or of other relatives or relations, ☹ [...] ☹ of the applicant for international protection, ☹ [...] ☹ on condition that such evidence is produced ☹ [...] ☹ before the acceptance of the request by another Member State to take charge or take back the person concerned, pursuant to Articles 22 and 24 respectively and that the previous applications for international protection of the asylum seeker have not yet been subject of a first decision regarding the substance. ☹</p>	
Article 6 8	Article 8	Article 6 8	[important: In definition in Article 2(i): deletion of 'unmarried'.]

<div> <div>✕</div> <div>Unaccompanied minors</div> <div>✕</div> </div>	Unaccompanied minors	<div> <div>✕</div> <div>Unaccompanied minors</div> <div>✕</div> </div>	
<div> <div>1.</div> <div>Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application ⇒ for international protection ⇐ shall be that where a member of his or her family is legally present, provided that this is in the best interests of the minor.</div> </div>	<div> <div>1.</div> <div>Where the applicant is an unaccompanied minor, the Member State responsible for examining the application for international protection shall be that where a member of his or her family is legally present, provided that this is in the best interests of the minor.</div> </div>	<div> <div>1.</div> <div>Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application ⇒ for international protection ⇐ shall be that where a member of his or her family ➡ within the meaning of Article 2(g) or his/her sibling ➡ [...] Ⓒ - Ⓒ is legally present, provided that this is in the best interest ➡ [...] Ⓒ of the ➡ [...] Ⓒ minor.</div> </div>	<div> <div>Compromise EP:</div> <div>"1. Where the applicant is an unaccompanied minor, the Member State responsible for examining the application for international protection shall be that where a member of his or her family within the meaning of Article 2(g), <i>the father, mother of the married unaccompanied minor or another adult responsible for him or her whether by law or by the practice of the Member State where the adult is present, or his/her sibling is legally present, provided that this is in the best interest of the minor.</i>"</div> <div>Council draft compromise</div> <div>Minors</div> <div>1 Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining</div> </div>

			<p>the application ⇒ for international protection ⇐ shall be that where a member of his or her family ⇒ within the meaning of Article 2(g) or his/her sibling ⇒ [...] ⇐ is legally present, provided that this is in the best interest ⇒ [...] ⇐ of the ⇒ [...] ⇐ minor. <u>Where the applicant is a married minor separated from his/her spouse, the Member State responsible for examining the applicant for international protection shall be that where the father, mother or another adult responsible for him/her whether by law or by the national practice of the Member State where the adult is legally present.</u></p>
<p>23. If ☒ Where ☒ ⇒ the applicant ⇐ asylum seeker is an unaccompanied minor</p>	<p>2. Where the applicant is an unaccompanied minor who has <i>no family members within the</i></p>	<p>23. If ☒ Where ☒ ⇒ the applicant ⇐ asylum seeker is an unaccompanied minor</p>	<p>2. Where the applicant is an unaccompanied minor who has a relative <u>who is legally present</u> or asylum</p>

<p>who has a relative or relatives ⇒ legally present ⇐ in another Member State who can take care of him or her, ☒ that ☒ Member States shall if possible unite the minor with his or her relative or relatives, ⇒ be responsible for examining the application, provided that ⇐ unless this is not in the best interests of the minor.</p>	<p><i>meaning of Article 2(i) legally present in another Member State but who has another</i> relative legally present in another Member State who can take care of him or her, that Member State shall be responsible for examining the application, provided that this is in the best interests of the minor.</p>	<p>who has a ⇐ [...] ⇐ relative ⇐, who is ⇐ [...] ⇐ ⇐ ⇐ [...] ⇐ or relatives ⇒ legally ⇐ [...] ⇐ ⇐ resident or ⇐ [...] ⇐ ⇐ asylum seeker ⇐ ⇐ in another Member State ⇐ [...] ⇐ ⇐ and where it is established, based on an individual examination, that the relative ⇐ can take care of him or her, ☒ that ☒ Member States shall ⇐ unite the minor with his/her relative and ⇐ if possible unite the minor with his or her relative or relatives, ⇒ be responsible for examining the application, provided that ⇐ unless this is not in the best interest ⇐ [...] ⇐ of the minor.</p>	<p>seeker in another Member State, the unaccompanied minor should following on an individual examination be reunited with the relative with a relative who can take care of him/her, based on the consent of the relative, unless it is not in the best interests of the child.</p> <p><u>Council draft compromise</u></p> <p>2. 2. If ☒ Where ☒ ⇐ the applicant ⇐ asylum seeker is an unaccompanied minor who has a ⇐ [...] ⇐ relative ⇐, who is ⇐ [...] ⇐ ⇐ ⇐ [...] ⇐ or relatives ⇒ legally ⇐ [...] ⇐ ⇐ present resident or ⇐ [...] ⇐ ⇐ asylum seeker ⇐ ⇐ in another Member State ⇐ [...] ⇐ ⇐ and where it is established, based on an individual examination, that the relative ⇐ can take care of him or her, ☒ that ☒ Member</p>
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			<p>States shall if possible <u>unite the minor with his/her relative and</u> if possible unite the minor with his or her relative or relatives, <u>⇒ be responsible for examining the application, provided that</u> unless <u>↔ unless</u> this is not in the best interest <u>↔ [...] ↔</u> of the minor.</p>
<p>3. Where members of the applicant's family or his/her other relatives are legally present in more than one Member State, the Member State responsible for examining the application shall be decided on the basis of what is in the best interests of the minor.</p>	<p>3. Where members of the applicant's family or his/her other relatives are legally present in more than one Member State, the Member State responsible for examining the application shall be decided on the basis of what is in the best interests of the minor.</p>	<p>3. Where <u>↔ family ↔</u> members <u>↔, siblings or relatives as mentioned in paragraphs 1 and 2 ↔</u> <u>↔ [...] ↔</u> <u>↔ [...] ↔</u> are <u>↔ [...] ↔</u> <u>↔ staying ↔</u> in more than one Member State, the Member State responsible for examining the application shall be decided on the basis of what is in the best interests of the <u>↔ unaccompanied ↔</u> minor.</p>	<p>Agreed</p>
<p><u>4.</u> In the absence of a family member <u>⇒ or of another relative ↔</u>, the Member State responsible for examining the application</p>	<p>4. In the absence of a family member or of another relative, the Member State responsible for examining the application</p>	<p><u>4.</u> In the absence of a family member <u>↔ a sibling or a relative as mentioned in paragraphs 1 and 2 ↔</u> <u>↔ [...] ↔</u> <u>↔ [...] ↔</u> the</p>	<p><u>Compromise EP:</u></p> <p>‘In the absence of a family member, a sibling or a relative as mentioned in paragraphs 1 and 2,</p>

shall be that where the minor has lodged his or her ⇒ most recent ⇐ application for asylum ⇒ international protection, provided that this is in the best interests of the minor. ⇐	shall be that where the minor has lodged his or her ■ application for international protection, provided that this is in the best interest of the minor.	Member State responsible for examining the application shall be that where the ⇒ unaccompanied ⇐ minor has lodged his or her ⇒ [...] ⇐ ⇒ first ⇐ application for asylum ⇒ international protection, provided that this is in the best interests of the ⇒ [...] ⇐ minor. ⇐	the Member State responsible for examining the application shall be that where the unaccompanied minor has lodged his/her application for international protection and where he/she is present , provided that this is in the best interests of the minor'
		⇒ [...] ⇐	
5. The conditions and procedures for implementing this Article paragraphs 2 ⇒ and 3 ⇐ including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this	5. The conditions and procedures for implementing paragraphs 2 and 3 shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in <i>Article 41(3)</i> .	5. The ⇒ [...] ⇐ procedures for implementing this Article paragraphs 2 ⇒ and 3 ⇐ including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be ⇒ [...] ⇐ adopted in accordance with the ⇒ [...] ⇐ procedure ⇒ [...] ⇐ referred to in Article 27(3) <u>40</u> ⇒ (2). ⇐	COMITOLGY

Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(3) <u>40(3)</u> .		☞ [...] ☞	
Article 79	Article 9	Article 79	
☒ Family members who are persons granted international protection ☒	Family members who are persons granted international protection	☒ Family members who are persons granted international protection ☒	
Where the asylum seeker has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a refugee ⇒ person granted international protection ⇐ in a Member State, that Member State shall be responsible for examining the application for asylum ⇒ international protection, ⇐ provided that the persons concerned so ☒ expressed their ☒ desire ☒ in writing ☒.	Where the asylum seeker has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a person granted international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.	Where the asylum seeker has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a refugee ⇒ person granted international protection ⇐ in a Member State, that Member State shall be responsible for examining the application for asylum ⇒ international protection, ⇐ provided that the persons concerned so ☒ expressed their ☒ desire ☒ in writing ☒.	
Article 810	Article 10	Article 810	

<p>☒ <i>Family members who are applicants for international protection</i> ☒</p>	<p>Family members who are applicants for international protection</p>	<p>☒ <i>Family members who are applicants for international protection</i> ☒</p>	
<p>If the asylum seeker has a family member in a Member State whose application ☒ for international protection☒ ☒ in that Member State ☒ has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for asylum ☒ international protection☒, provided that the persons concerned ☒ expressed their ☒ desire ☒ in writing ☒ .</p>	<p>If the asylum seeker has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.</p>	<p>If the asylum seeker has a family member in a Member State whose application ☒ for international protection☒ ☒ in that Member State ☒ has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for asylum ☒ international protection☒, provided that the persons concerned ☒ expressed their ☒ desire ☒ in writing ☒ .</p>	
<p>Article 1511</p>	<p>Article 11</p>	<p>☞[...]/☞</p>	<p>EP rejects the change of position of Article 11 to Article 16A.</p>
<p>☒ <i>Dependent relatives</i> ☒</p>	<p>Dependent relatives</p>		
<p>21. ☒ Where ☒ In cases in which the person concerned ☒ asylum seeker ☒ is dependent on the assistance of the other ☒ a relative ☒ present in another Member State</p>	<p>1. Where the asylum seeker is dependent on the assistance of a relative on account of pregnancy or a new-born child, serious illness, severe <i>disability</i> or old age, or where a</p>		<p><u>See Article 16 A</u></p>

<p>on account of pregnancy or a new-born child, serious illness, severe handicap or old age, ☒ or where a relative ☒ present in another Member State ☒ is dependent on the assistance of the asylum seeker ☒ ⇒ for the same reasons, the Member State responsible for examining the application shall be the one considered the most appropriate for keeping them together or reunifying them, ☒ Member States shall normally keep or bring together the asylum seeker with another relative present in the territory of one of the Member States, provided that family ties existed in the country of origin ⇒ and that the persons concerned expressed their desire in writing. In determining the most appropriate Member State, the best interests of the persons concerned</p>	<p>relative is dependent on the assistance of the asylum seeker for the same reasons, the Member State responsible for examining the application shall be the one considered the most appropriate for keeping them together or reunifying them, provided that family ties existed in the country of origin and that the persons concerned expressed their desire in writing. In determining the most appropriate Member State, the best interests of the persons concerned shall be taken into account, such as the ability of the dependent person to travel.</p>		
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shall be taken into account, such as the ability of the dependent person to travel ⇐.			
Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker.			
<u>2.5</u> The conditions and procedures for implementing this Article paragraph 1 including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be adopted by the Commission. Those measures, designed to	2. The conditions and procedures for implementing paragraph 1 shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in <i>Article</i>		

<p>amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(3) 40(3).</p>	<p>41(3).</p>		
<p>Article 14 12</p>	<p>Article 12</p>	<p>Article 14 12</p>	
<p>⊠ Family procedure ⊠</p>	<p>Family procedure</p>	<p>⊠ Family procedure ⊠</p>	
<p>Where several members of a family submit applications for asylum ⇒ international protection ⇐ in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to them being separated, the Member State responsible shall be determined on the basis of the following provisions:</p>	<p>Where several members of a family submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to them being separated, the Member State responsible shall be determined on the basis of the following provisions:</p>	<p>Where several members of a family ⇒ <u>within the meaning of Article 2(g)</u> ⇒ [...] ⇐ <u>and/or minor unmarried siblings</u> ⇐ submit applications for asylum ⇒ international protection ⇐ in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to them being separated, the Member State responsible shall be determined on the basis of the following provisions:</p>	<p>Technical - agreed</p>

<p>(a) responsibility for examining the applications for asylum ⇒ international protection ⇐ of all the members of the family shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of family members;</p>	<p>(a) responsibility for examining the applications for international protection of all the members of the family shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of family members;</p>	<p>(a) responsibility for examining the applications for asylum ⇒ international protection ⇐ of all the members of the family ➡ within the meaning of Article 2(g) ➡ [...] ➡ and/or minor unmarried siblings ➡ shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of ➡ them ➡ ➡ [...] ➡;</p>	Technical – agreed
<p>(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.</p>	<p>(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.</p>	<p>(b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.</p>	
<p><i>Article 913</i></p>	<p>Article 13</p>	<p><i>Article 913</i></p>	
<p>✕ Issuance of residence documents or visas ✕</p>	<p>Issuing of residence documents or visas</p>	<p>✕ Issuance of residence documents or visas ✕</p>	
<p>1. Where the asylum seeker is in possession of a valid residence document, the</p>	<p>1. Where the asylum seeker is in possession of a valid residence document, the</p>	<p>1. Where the asylum seeker is in possession of a valid residence document, the</p>	

Member State which issued the document shall be responsible for examining the application for asylum ⇒ international protection ⇐.	Member State which issued the document shall be responsible for examining the application for international protection.	Member State which issued the document shall be responsible for examining the application for asylum ⇒ international protection ⇐.	
2. Where the asylum seeker is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for asylum ⇒ international protection ⇐, unless the visa was issued when acting for or on the written authorisation of another Member State. In such a case, the latter Member State shall be responsible for examining the application for asylum ⇒ international protection ⇐. Where a Member State first consults the central authority of another Member State, in particular for security reasons, the latter's reply to the consultation shall	2. Where the asylum seeker is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued <i>on behalf of</i> or on the written authorisation of another Member State. In such a case, <i>that other</i> Member State shall be responsible for examining the application for international protection. Where a Member State first consults the central authority of another Member State, in particular for security reasons, the latter's reply to the consultation shall not constitute written authorisation within the	2. Where the asylum seeker is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for asylum ⇒ international protection ⇐, unless the visa was issued on <u>on behalf of another Member State under a representation arrangement as provided for in Article 8 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on visas</u> on [...] <u>represented</u> Member State shall be responsible for examining the application	

not constitute written authorisation within the meaning of this provision.	meaning of this provision.	for \Rightarrow international protection \Leftarrow asylum \Rightarrow [...] \Leftarrow .	
3. Where the asylum-seeker is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for \Rightarrow international protection \Leftarrow asylum shall be assumed by the Member States in the following order:	3. Where the asylum-seeker is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order:	3. Where the asylum-seeker is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for \Rightarrow international protection \Leftarrow asylum shall be assumed by the Member States in the following order:	
(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;	(a) the Member State which issued the residence document conferring the right to the longest period of <i>residence</i> or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;	(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;	

(b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;	(b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;	(b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;	
(c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity, or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.	(c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity, or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.	(c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity, or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.	
4. Where the asylum seeker is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him/ <u>her</u>	4. Where the asylum seeker is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him/her	4. Where the asylum seeker is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him/ <u>her</u>	

actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the territories of the Member States.	actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the <i>territory</i> of the Member States.	actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the territories of the Member States.	
Where the asylum seeker is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him/ <u>her</u> actually to enter the territory of a Member State and where he has not left the territories of the Member States, the Member State in which the application ⇒ for international protection ⇐ is lodged shall be responsible.	Where the asylum seeker is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him/her actually to enter the territory of a Member State and where he/ <i>she</i> has not left the <i>territory</i> of the Member States, the Member State in which the application for international protection is lodged shall be responsible.	Where the asylum seeker is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him/ <u>her</u> actually to enter the territory of a Member State and where he has not left the territories of the Member States, the Member State in which the application ⇒ for international protection ⇐ is lodged shall be responsible.	
5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or	5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or	5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or	

invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued.	invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it <i>is able to</i> establish that fraud was committed after the document or visa had been issued.	invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued.	
<i>Article 1014</i>	Article 14	<i>Article 1014</i>	
<input checked="" type="checkbox"/> Entry and/or stay <input checked="" type="checkbox"/>	Entry and/or stay	<input checked="" type="checkbox"/> Entry and/or stay <input checked="" type="checkbox"/>	
1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22 <u>24</u> (3), including the data referred to in Chapter III of Regulation <input checked="" type="checkbox"/> [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of	1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22(3) <i>of this Regulation</i> , including the data referred to in Chapter III of Regulation (EC) No .../... [concerning the establishment of "Eurodac" for the comparison of fingerprints for the	1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22 <u>24</u> (3), including the data referred to in Chapter III of Regulation <input checked="" type="checkbox"/> [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of	

<p>the Dublin Regulation]<input checked="" type="checkbox"/> (EC) No [.../...] <u>2725/2000</u>, that an asylum seeker has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for asylum ⇒ international protection ⇐ . This responsibility shall cease 12 months after the date on which the irregular border crossing took place.</p>	<p>effective application of Regulation (EC) No .../... <i>establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person</i>], that an asylum seeker has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. <i>Such</i> responsibility shall cease 12 months after the date on which the irregular border crossing took place.</p>	<p>the Dublin Regulation]<input checked="" type="checkbox"/> (EC) No [.../...] <u>2725/2000</u>, that an asylum seeker has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for asylum ⇒ international protection ⇐ . This responsibility shall cease 12 months after the date on which the irregular border crossing took place.</p>	
<p>2. When a Member State cannot or can no longer be held responsible in accordance with</p>	<p>2. When a Member State cannot or can no longer be held responsible in accordance with</p>	<p>2. When a Member State cannot or can no longer be held responsible in accordance with</p>	

<p>paragraph 1, and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22¹⁸(3), that the asylum seeker - who has entered the territories of the Member States irregularly or whose circumstances of entry cannot be established - at the time of lodging the application has been previously living for a continuous period of at least five months in a Member State <input checked="" type="checkbox"/> before lodging the application for international protection <input checked="" type="checkbox"/>, that Member State shall be responsible for examining the application for asylum ⇒ international protection ⇐.</p>	<p>paragraph 1, and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22(3), that the asylum seeker - who has entered the <i>territory</i> of the Member States irregularly or whose circumstances of entry cannot be established - has been living for a continuous period of at least five months in a Member State before lodging the application for international protection, that Member State shall be responsible for examining the application for international protection.</p>	<p>paragraph 1, and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22¹⁸(3), that the asylum seeker - who has entered the territories of the Member States irregularly or whose circumstances of entry cannot be established - at the time of lodging the application has been previously living for a continuous period of at least five months in a Member State <input checked="" type="checkbox"/> before lodging the application for international protection <input checked="" type="checkbox"/>, that Member State shall be responsible for examining the application for asylum ⇒ international protection ⇐.</p>	
<p>If the applicant has been living for periods of time of at least five months in several Member States, the Member State where this has been most recently the case shall be</p>	<p>If the applicant has been living for periods of time of at least five months in several Member States, the Member State where <i>he/she</i> has <i>lived</i> most recently shall be</p>	<p>If the applicant has been living for periods of time of at least five months in several Member States, the Member State where this has been most recently the case shall be</p>	

responsible for examining the application ⇒ for international protection ⇐.	responsible for examining the application for international protection.	responsible for examining the application ⇒ for international protection ⇐.	
<i>Article 1115</i>	Article 15	<i>Article 1115</i>	
⊗ <i>Visa waived entry</i> ⊗	Visa waived entry	⊗ <i>Visa waived entry</i> ⊗	
1. If a third-country national ⇒ or a stateless person ⇐ enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for asylum ⇒ international protection ⇐.	1. If a third-country national or a stateless person enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection.	1. If a third-country national ⇒ or a stateless person ⇐ enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for asylum ⇒ international protection ⇐.	
2. The principle set out in paragraph 1 does not apply, if the third-country national ⇒ or the stateless person ⇐ lodges his or her application for asylum ⇒ international protection ⇐ in another Member State, in which the need for him or her to	2. The principle set out in paragraph 1 <i>shall</i> not apply if the third-country national or the stateless person lodges his or her application for international protection in another Member State, in which the need for him or her to have a visa for	2. The principle set out in paragraph 1 does not apply, if the third-country national ⇒ or the stateless person ⇐ lodges his or her application for asylum ⇒ international protection ⇐ in another Member State, in which the need for him or her to	

have a visa for entry into the territory is also waived. In this case, the latter Member State shall be responsible for examining the application for asylum ⇒ international protection ⇐.	entry into the territory is also waived. In <i>that</i> case, <i>that other</i> Member State shall be responsible for examining the application for international protection.	have a visa for entry into the territory is also waived. In this case, the latter Member State shall be responsible for examining the application for asylum ⇒ international protection ⇐.	
<i>Article 1216</i>	<i>Article 16</i>	<i>Article 1216</i>	
⊗ <i>Application in an international transit area of an airport</i> ⊗	Application in an international transit area of an airport	⊗ <i>Application in an international transit area of an airport</i> ⊗	
Where the application for ⇒ international protection ⇐ asylum is made in an international transit area of an airport of a Member State by a third-country national ⇒ or a stateless person ⇐, that Member State shall be responsible for examining the application.	Where the application for international protection is made in <i>the</i> international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application.	Where the application for ⇒ international protection ⇐ asylum is made in an international transit area of an airport of a Member State by a third-country national ⇒ or a stateless person ⇐, that Member State shall be responsible for examining the application.	
		<i>Article 15 [...]</i> 16A	EP rejects the position of this Article: it should go back to Article 11.
		⊗ <i>Dependen</i> s [...]	

		<p>21. [...] Where In cases in which person concerned an asylum seeker is dependent on the assistance of the other [...] [...] a relation [...] [...] legally resident in one of the Member States, present in another Member State on account of pregnancy or a new-born child, serious illness, severe handicap or old age, or where a relation is dependent on the assistance of the asylum seeker [...] Member States shall keep or bring together the asylum seeker with that relation provided that family ties existed in the country of origin the person or the applicant is able to take</p>	<p><u>EP Compromise:</u></p> <p>Where an asylum seeker is dependent on the assistance of a relation legally present in one of the Member States, on account of pregnancy or a new-born child, serious illness, severe handicap or old age, or where a relation is dependent on the assistance of the asylum seeker Member States shall keep or bring together the asylum seeker with that relation provided that family ties existed in the country of origin the person or the applicant is able to take care of the other and that the persons concerned expressed their desire in writing.</p> <p><u>Council draft compromise</u></p> <p>See under Chapter IV</p>

		care of the other ☹ ⇒ and that the persons concerned expressed their desire in writing. ☹ [...] ☹ ⇐	
		⇒ 2. Where the relation ☹ [...] ☹ is legally ☹ [...] ☹ resident in another Member State than the one where the asylum seeker is present, the Member State responsible for examining the application shall be the one where the relation ☹ [...] ☹ is legally ☹ [...] ☹ resident ☹ [...] ☹ unless the concerned asylum ☹ [...] ☹ seeker's health condition ☹ [...] ☹ prevents him/her ☹ [...] ☹ during a significant period of time from travelling to that Member State. ☹	<u>EP Compromise:</u> 2. Where the relation is legally resident in another Member State than the one where the asylum seeker is present, the Member State responsible for examining the application shall be the one where the relation is legally resident unless the concerned asylum seeker's health condition prevents him/her during a significant period of time from travelling to that Member State.
		⇒ Where the concerned asylum ☹ [...] ☹ seeker's health condition prevents him/her during a significant period of time from travelling to another	Where the concerned asylum seeker's health condition prevents him/her during a significant period of time from travelling to another Member State ,

		<p>Member State, the Member State responsible for examining his/her application shall be the one where he/she is present. ☹ ☹ [...] ☹</p> <p>☹ Becoming the Member State responsible due to the applicant's inability to travel does not ☹ [...] ☹ entail the obligation of bringing the relation ☹ [...] ☹ to that Member State. ☹</p>	<p>and where it is in the best interests of the persons concerned, the Member State responsible for examining his/her application shall be the one where he/she is present. Becoming the Member State responsible due to the applicant's inability to travel does not entail the obligation of bringing the relation to that Member State.</p>
		<p>Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker</p>	
		<p>☹ [...] ☹ ☹ 3.</p> <p>☹ [...] ☹ The ☹</p> <p>☹ [...] ☹ procedures for implementing <u>this Article</u></p> <p>☹ [...] ☹ ☹ this Article ☹ including, where appropriate, conciliation mechanisms</p>	<p>COMITOLGY</p>

		for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, [...] [shall] be adopted [] in accordance with the [] procedure [] referred to in Article 27(3) 40 [(2)] [].	
<u>CHAPTER IV</u>	CHAPTER IV	<u>CHAPTER IV</u>	
HUMANITARIAN CLAUSE		HUMANITARIAN CLAUSE	
<input checked="" type="checkbox"/> DISCRETIONARY CLAUSES <input checked="" type="checkbox"/>	DISCRETIONARY CLAUSES	<input checked="" type="checkbox"/> DISCRETIONARY CLAUSES <input checked="" type="checkbox"/>	
			<u>Council draft compromise</u> <u>16A. Dependants</u> <u>21.</u> [] <input checked="" type="checkbox"/> Where <input checked="" type="checkbox"/> In cases in which [] person concerned <input checked="" type="checkbox"/> an asylum seeker <input checked="" type="checkbox"/> is dependent on the assistance of <u>his/her child, sibling or parent</u> the other <input checked="" type="checkbox"/> [].

		<p> ☞ [...] ☞ ☞ [...] ☞ a relation ☞ [...] ☞ ☞ [...] ☞ ☞ ☞ [...] ☞ ☞ [...] ☞ legally resident in one of the Member States, ☞ ☞ present in another Member State on account of pregnancy or a new-born child, serious illness, severe handicap or old age, ☞ or where a ☞ relation ☞ the child, sibling or parent of the applicant ☞ [...] ☞ ☞ [...] ☞ ☞ is dependent on the assistance of the asylum seeker ☞ ☞ ☞ ☞ Member States shall normally keep or bring together the asylum seeker with that relation ☞ [...] ☞, ☞ provided that family ties existed in the country of origin ☞ the person or the applicant is able to take care of the other ☞ ☞ and that the persons concerned expressed their desire in writing. ☞ [...] ☞ ☞ ☞ 2. Where the relation ☞ [...] ☞ is legally ☞ [...] ☞ resident in another Member State than the one where the asylum seeker is present, the Member State responsible for examining the application shall be the one where the relation ☞ [...] ☞ is legally ☞ [...] ☞ resident ☞ [...] ☞ unless the concerned </p>
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			<p> asylum ➡ [...] ➡ seeker's health condition ➡ [...] ➡ prevents him/her ➡ [...] ➡ during a significant period of time from travelling to that Member State. ➡ ➡ Where the concerned asylum ➡ [...] ➡ seeker's health condition prevents him/her during a significant period of time from travelling to another Member State, the Member State responsible for examining his/her application shall be the one where he/she is present. ➡ ➡ [...] ➡ ➡ Becoming the Member State responsible due to the applicant's inability to travel does not ➡ [...] ➡ entail the obligation of bringing the relation ➡ [...] ➡ to that Member State. ➡ Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker ➡ [...] ➡ ➡ 3. ➡ [...] ➡ The ➡ ➡ [...] ➡ procedures for implementing this Article ➡ [...] ➡ ➡ this Article ➡ including, where appropriate, conciliation mechanisms for </p>
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			<p>settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, [...] C</p> <p>shall C be adopted [...] C in accordance with the [...] C procedure [...] C referred to in Article 27(3) 40 (2) C</p> <p>[...] C.</p> <p>And delete definition in Article 2(gb).</p>
Article 15 17	Article 17	Article 15 17	
⊗ Discretionary clauses ⊗	Discretionary clauses	⊗ Discretionary clauses ⊗	
<p><u>1.</u> 2. By way of derogation from <u>Article 3, paragraph (1)</u>, each Member State may ⇒ in particular for humanitarian and compassionate reasons, ⇐ ⊗ decide to ⇐ examine an application for asylum ⇒ international protection ⇐ lodged with it by a third-country national ⇒ or a stateless person ⇐, even if such examination is not its</p>	<p>1. By way of derogation from Article 3 (1) each Member State may, in particular for humanitarian and compassionate reasons, decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under</p>	<p><u>1.</u> 2. By way of derogation from <u>Article 3, paragraph (1)</u>, each Member State may [...] C ⊗ decide to ⇐ examine an application for asylum ⇒ international protection ⇐ lodged with it by a third-country national ⇒ or a stateless person ⇐, even if such examination is not its responsibility under the criteria laid down in this</p>	<p>Deletion of 'in particular for humanitarian and compassionate reasons' is acceptable.</p> <p>EP rejects the deletion of "provided that the applicant agrees thereto"</p>

responsibility under the criteria laid down in this Regulation, ⇒ provided that the applicant agrees thereto⇐.	the criteria laid down in this Regulation, provided that the applicant agrees thereto.	Regulation. ⇐ [...] ⇐	
<p>In such an event, that Member State shall become the Member State responsible within the meaning of this Regulation and shall assume the obligations associated with that responsibility. Where appropriate</p> <p>☒ applicable ☒, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or take back the applicant ⇒ by using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003 ⇐.</p>	<p>In such an event, that Member State shall become the Member State responsible within the meaning of this Regulation and shall assume the obligations associated with that responsibility. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or take back the applicant by using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</p>	<p>⇐ [...] ⇐</p> <p>⇐ The ⇐ Member State</p> <p>⇐ which decided to examine an application for international protection pursuant to this paragraph ⇐ ⇐ [...] ⇐</p> <p>shall become the Member State responsible within the meaning of this Regulation and shall assume the obligations associated with that responsibility. Where appropriate</p> <p>☒ applicable ☒, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or take back the applicant ⇒ by using the 'DubliNet'</p>	Technical - agreed

		electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003 ⇐.	
The Member State becoming responsible in accordance with this paragraph shall also forthwith indicate in EURODAC that it assumed responsibility pursuant to Article 17(6) of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].	The Member State becoming responsible in accordance with this paragraph shall also forthwith indicate in <i>Eurodac</i> that it <i>has</i> assumed responsibility pursuant to <i>Article 6(3)</i> of Regulation (EC) No .../... [concerning the establishment of " <i>Eurodac</i> " for the comparison of fingerprints for the effective application of Regulation (EC) No .../... <i>establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person</i>].	The Member State becoming responsible in accordance with this paragraph shall also forthwith indicate in EURODAC that it assumed responsibility pursuant to Article 17(6) of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].	
2. <u>1</u> Any Member State, even where it is not	2. The Member State in which an application for	2. <u>1</u> Any Member State, even where it is not	Technical - agreed

<p>responsible under the criteria set out in this Regulation; ☒ The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible, or the Member State responsible, ☒ may, ☐ at any time, request another Member State to take charge of an applicant in order to ☐ bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations, ☐ even where this latter Member State is not responsible under the criteria laid down in Articles 8 to 12 of this Regulation ☐. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person</p>	<p>international protection is made and which is carrying out the process of determining the Member State responsible, or the Member State responsible, may, at any time, request another Member State to take charge of an applicant in order to bring together family members, as well as other relatives, on humanitarian grounds based in particular on family or cultural considerations, even where <i>that other</i> Member State is not responsible under the criteria laid down in Articles 8 to 12 . The persons concerned must express their consent in writing.</p>	<p>responsible under the criteria set out in this Regulation; ☒ The Member State in which an application for international protection is made and which is carrying out the process of determining the Member State responsible, or the Member State responsible, ☒ may, ☐ at any time ☐ before a first decision regarding the substance is taken ☐, request another Member State to take charge of an applicant in order to ☐ bring together ☐ [...] ☐ ☐ [...] ☐ ☐ other family ☐ members ☐, relatives or relations than those referred to in Article 2 (g), 2 (ga) and 2 (gb) ☐ ☐ [...] ☐ ☐ [...] ☐ ☐ [...] ☐, on humanitarian grounds based in particular on family or cultural considerations, ☐ even where this latter Member State is not responsible</p>	
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<p>concerned. The persons concerned must <input checked="" type="checkbox"/> express their <input checked="" type="checkbox"/> consent <input checked="" type="checkbox"/> in writing <input checked="" type="checkbox"/>.</p>		<p>under the criteria laid down in Articles 8 to 12 of this Regulation <input checked="" type="checkbox"/>. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must <input checked="" type="checkbox"/> express their <input checked="" type="checkbox"/> consent <input checked="" type="checkbox"/> in writing <input checked="" type="checkbox"/>.</p>	
<p>The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.</p>	<p>The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.</p>	<p>The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.</p>	
<p><input checked="" type="checkbox"/> The requested Member State shall carry out <input checked="" type="checkbox"/> the necessary <u>any necessary</u> checks to establish, where applicable, humanitarian reasons, particularly of a family or cultural nature, the level of dependency of the person concerned or the ability or commitment of the other person concerned to</p>	<p>The requested Member State shall carry out any necessary checks to substantiate the humanitarian reasons cited, and shall give a decision on the request within two months of the date on which the request was received. A decision refusing the request shall state the reasons on which</p>	<p><input checked="" type="checkbox"/> The requested Member State shall carry out <input checked="" type="checkbox"/> the necessary <u>any necessary</u> checks to establish, where applicable, humanitarian reasons, particularly of a family or cultural nature, the level of dependency of the person concerned or the ability or commitment of the other person concerned to</p>	

<p>provide the assistance desired. ⇒ to substantiate the humanitarian reasons cited, and shall give a decision on the request within two months of the date on which the request was received. A decision refusing the request shall state the reasons on which it is based ⇐</p>	<p>it is based.</p>	<p>provide the assistance desired. ⇒ to ⇐ [...] ⇐ ⇐ examine ⇐ the humanitarian reasons cited, and shall ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ reply to the requesting Member State ⇐ within two months of the date on which the request was received ⇐ by using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003 . ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ [...] ⇐ ⇐ A reply refusing the request shall state the reasons on which it is based. ⇐ ⇐ [...] ⇐ . ⇐</p>	
<p>4 Where the requested ⇐ Member State thus approached accedes to ⇐ accepts ⇐ the request, responsibility for examining the application shall be transferred to it.</p>	<p>Where the requested Member State accepts the request, responsibility for examining the application shall be transferred to it.</p>	<p>4 Where the requested ⇐ Member State thus approached accedes to ⇐ accepts ⇐ the request, responsibility for examining the application shall be transferred to it.</p>	

CHAPTER V	CHAPTER V	CHAPTER V	
TAKING CHARGE AND TAKING BACK		TAKING CHARGE AND TAKING BACK	
⊗ OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE ⊗	OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE	⊗ OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE ⊗	
Article 16 18	Article 18	Article 16 18	
⊗ Obligations of the Member State responsible ⊗	Obligations of the Member State responsible	⊗ Obligations of the Member State responsible ⊗	
1. The Member State responsible for examining an application for asylum ⇒ international protection ⇐ under this Regulation shall be obliged to:	1. The Member State responsible for examining an application for international protection under this Regulation shall be obliged to:	1. The Member State responsible for examining an application for asylum ⇒ international protection ⇐ under this Regulation shall be obliged to:	
(a) take charge, under the conditions laid down in Articles 21 17 to 19 , 22 and 28 , of an asylum seeker who has	(a) take charge, under the conditions laid down in Articles 21, 22 and 28, of an asylum seeker who has lodged an	(a) take charge, under the conditions laid down in Articles 21 17 to 19 , 22 and 28 , of an asylum seeker who has	

lodge an application in a different Member State;	application in a different Member State;	lodge an application in a different Member State;	
(b)(e) take back, under the conditions laid down in Articles <u>23, 24 and 28</u> 20 , an applicant whose application is under examination and who ⇒ made an application in another Member State or who ⇐ is in the territory of another Member State without permission ⇒ a residence document ⇐;	(b) take back, under the conditions laid down in Articles 23, 24 and 28, an applicant whose application is under examination and who made an application in another Member State or who is in the territory of another Member State without a residence document;	(b)(e) take back, under the conditions laid down in Articles <u>23, 24 and 28</u> 20 , an applicant whose application is under examination and who ⇒ made an application in another Member State or who ⇐ is in the territory of another Member State without permission ⇒ a residence document ⇐;	
(c)(d) take back, under the conditions laid down in Articles <u>23, 24 and 28</u> 20 , an applicant who has withdrawn the application under examination and made an application in another Member	(c) take back, under the conditions laid down in Articles 23, 24 and 28, an applicant who has withdrawn the application under examination and made an application in another Member	(c)(d) take back, under the conditions laid down in Articles <u>23, 24 and 28</u> 20 , ⇐ [...] ⇐ <u>⇐ third country national or stateless person ⇐</u> who has withdrawn the application under examination and made an	

State;	State;	application in another Member State or who is in the territory of another Member State without a residence document;	
(d)(e) take back, under the conditions laid down in Articles 23, 24 and 28 20 , a third-country national or a stateless person whose application has <u>been</u> rejected and who made an application in another Member State or who is in the territory of another Member State without permission a residence document .	(d) take back, under the conditions laid down in Articles 23, 24 and 28, a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is in the territory of another Member State without a residence document.	(d)(e) take back, under the conditions laid down in Articles 23, 24 and 28 20 , a third-country national or a stateless person whose application has <u>been</u> rejected and who made an application in another Member State or who is in the territory of another Member State without permission a residence document. .	
⊗ 2. The Member State responsible shall ⊗ in all circumstances referred to in paragraph 1 (a) to (d) examine or (b)	2. The Member State responsible shall in all circumstances referred to in paragraph 1(a) to (d) examine or complete the	⊗ 2. The Member State responsible shall ⊗ in all circumstances referred to in paragraph 1 (a) [...] and (b)	

<p>complete the examination of the application for asylum ⇒ international protection made by the applicant, within the meaning of Article 2(d). When the Member State responsible had discontinued the examination of an application following its withdrawal by the applicant, it shall revoke that decision and complete the examination of the application, within the meaning of Article 2(d) ⇐.</p>	<p>examination of the application for international protection made by the applicant, within the meaning of Article 2(d). When the Member State responsible <i>had</i> discontinued the examination of an application following its withdrawal by the applicant, it shall revoke that decision and complete the examination of the application, within the meaning of Article 2(d).</p>	<p>examine or ⇐ (b) complete the examination of the application for asylum ⇒ international protection made by the applicant, within the meaning of Article 2(d).</p>	
		<p>⇒ [...] ⇐ ⇒ For the cases referred in paragraph 1 (c), when ⇐ the Member State responsible had discontinued the examination of an application following its withdrawal by the applicant ⇒ before a decision on substance in first instance has been taken ⇐ ⇒ [...] ⇐ , it shall ⇒ [...] ⇐ ⇒ ensure that the applicant is</p>	

		<p>entitled to request that the examination of his/her [...] application is completed or to lodge a new application for international protection, which shall not be treated as a subsequent application as defined in Directive [2005/85/EC] [Procedures Directive]. In such cases, Member States shall ensure that the examination of the application is completed, within the meaning of Article 2(d).</p>	
		<p>For the cases referred to under paragraph 1 (d), where the application has been rejected at first instance only, the Member State responsible shall ensure that the person concerned has or has had, the opportunity to access an effective remedy, pursuant to Article 39 of Directive 2005/85/EC. [...] </p>	

<u>Article 19</u>	Article 19	<u>Article 19</u>	
☒ Cessation of responsibilities ☒	Cessation of responsibilities	☒ Cessation of responsibilities ☒	
<p><u>1.</u> 2.Where a Member State issues a residence document to the applicant, the obligations specified in <u>Article 18 paragraph (1)</u>, shall be transferred to that Member State.</p>	<p>1. Where a Member State issues a residence document to the applicant, the obligations specified in Article 18(1), shall be transferred to that Member State.</p>	<p><u>1.</u> 2.Where a Member State issues a residence document to the applicant, the obligations specified in <u>Article 18 paragraph (1)</u>, shall be transferred to that Member State.</p>	
<p><u>2.</u> 2.The obligations specified in <u>Article 18 paragraph (1)</u>, shall cease where ⇒ the Member State responsible for examining the application can establish, when requested to take charge or take back an applicant or another person as referred to in Article 18(1)(d), that ⇐ the third-country national ☒ person concerned ☒ has left the territory of the Member States for at least three months, unless the third-country</p>	<p>2. The obligations specified in Article 18(1), shall cease where the Member State responsible for examining the application can establish, when requested to take charge or take back an applicant or another person as referred to in Article 18(1)(d), that the person concerned has left the territory of the Member States for at least three months, unless the person concerned is in possession of a valid residence document</p>	<p><u>2.</u> 2.The obligations specified in <u>Article 18 paragraph (1)</u>, shall cease where ⇒ the Member State responsible for examining the application can establish, when requested to take charge or take back an applicant or another person as referred to in Article 18(1) ⇐ (c) or ⇐ (d), that ⇐ the third-country national ☒ person concerned ☒ has left the territory of the Member States for at least three months, unless the</p>	

<p>national <input checked="" type="checkbox"/> person concerned <input checked="" type="checkbox"/> is in possession of a valid residence document issued by the Member State responsible.</p>	<p>issued by the Member State responsible.</p>	<p>third-country national <input checked="" type="checkbox"/> person concerned <input checked="" type="checkbox"/> is in possession of a valid residence document issued by the Member State responsible.</p>	
<p>An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	<p>An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	<p>An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	
<p><u>3.</u> 4. The obligations specified in <u>Article 18 paragraph (1)(c)(d)</u> and <u>(d)(e)</u>, shall likewise cease once <input checked="" type="checkbox"/> where <input checked="" type="checkbox"/> the Member State responsible for examining the application ⇒ can establish, when requested to take back an applicant or another person as referred to in Article 18(1)(d), that ↵ has adopted and actually implemented, following the withdrawal or rejection of the</p>	<p>3. The obligations specified in Article 18(1)(c) and (d), shall cease where the Member State responsible for examining the application can establish, when requested to take back an applicant or another person as referred to in Article 18(1)(d), that the person concerned has left the territory of the Member States in compliance with a return decision or removal order <i>which</i> it issued following the withdrawal or</p>	<p><u>3.</u> 4. The obligations specified in <u>Article 18 paragraph (1)(c)(d)</u> and <u>(d)(e)</u>, shall likewise cease once <input checked="" type="checkbox"/> where <input checked="" type="checkbox"/> the Member State responsible for examining the application ⇒ can establish, when requested to take back an applicant or another person as referred to in Article 18(1) ⇒ (c) or ↵ (d), that ↵ has adopted and actually implemented, following the withdrawal or rejection of the</p>	

<p>application, the provisions that are necessary before the third-country national can go to his country of origin or to another country to which he may lawfully travel ⇒ the person concerned has left the territory of the Member States in compliance with a return decision or removal order it issued following the withdrawal or rejection of the application ⇐.</p>	<p>rejection of the application.</p>	<p>application, the provisions that are necessary before the third-country national can go to his country of origin or to another country to which he may lawfully travel ⇒ the person concerned has left the territory of the Member States in compliance with a return decision or removal order it issued following the withdrawal or rejection of the application. ⇐</p>	
<p>An application lodged after an effective removal shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	<p>An application lodged after an effective removal shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	<p>An application lodged after an effective removal shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.</p>	
<p><u>CHAPTER VI</u></p>	<p>CHAPTER VI</p>	<p><u>CHAPTER VI</u></p>	
<p>⊗ PROCEDURES FOR TAKING CHARGE AND TAKING BACK ⊗</p>	<p>PROCEDURES FOR TAKING CHARGE AND TAKING BACK</p>	<p>⊗ PROCEDURES FOR TAKING CHARGE AND TAKING BACK ⊗</p>	

<i>☒ SECTION I: Start of the procedure ☒</i>	<i>Section I Start of the procedure</i>	<i>☒ SECTION I: Start of the procedure ☒</i>	
<i>Article 420</i>	Article 20	<i>Article 420</i>	
<i>☒ Start of the procedure ☒</i>	Start of the procedure	<i>☒ Start of the procedure ☒</i>	
1. The process of determining the Member State responsible under this Regulation shall start as soon as an application for asylum ⇒ international protection ⇐ is first lodged with a Member State.	1. The process of determining the Member State responsible under this Regulation shall start as soon as an application for international protection is first lodged with a Member State.	1. The process of determining the Member State responsible under this Regulation shall start as soon as an application for asylum ⇒ international protection ⇐ is first lodged with a Member State.	
2. An application for asylum ⇒ international protection ⇐ shall be deemed to have been lodged once a form submitted by the applicant for asylum or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in	2. An application for international protection shall be deemed to have been lodged once a form submitted by the applicant or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in writing, the time elapsing	2. An application for asylum ⇒ international protection ⇐ shall be deemed to have been lodged once a form submitted by the applicant for asylum or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in	

<p>writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.</p>	<p>between the statement of intention and the preparation of a report should be as short as possible.</p>	<p>writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.</p>	
<p>3. For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Article 2, point (i) shall be indissociable from that of his parent or guardian and shall be a matter for the Member State responsible for examining the application for asylum ⇒ international protection ⇐ of that parent or guardian, even if the minor is not individually an asylum seeker ⇒, provided that this is in his/her best interests ⇐. The same treatment shall be applied to children born after the asylum seeker arrives in the territory of the</p>	<p>3. For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Article 2 (i) shall be indissociable from that of his/her parent or guardian and shall be a matter for the Member State responsible for examining the application for international protection of that parent or guardian, even if the minor is not individually an asylum seeker, provided that this is in his/her best interests. The same treatment shall be applied to children born after the asylum seeker arrives in the territory of the Member States, without</p>	<p>3. For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Article 2, point [...] g shall be indissociable from that of his /her family member [...] and shall be a matter for the Member State responsible for examining the application for asylum ⇒ international protection ⇐ of that [...] family member, even if the minor is not individually an asylum seeker ⇒, provided that this is in his/her best interests ⇐. The same treatment shall be applied to children</p>	<p>Technical - agreed</p>

Member States, without the need to initiate a new procedure for taking charge of them.	the need to initiate a new procedure for taking charge of them.	born after the asylum seeker arrives in the territory of the Member States, without the need to initiate a new procedure for taking charge of them.	
4. Where an application for asylum ⇒ international protection ⇐ is lodged with the competent authorities of a Member State by an applicant who is in the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for asylum ⇒ international protection ⇐ was lodged.	4. Where an application for international protection is lodged with the competent authorities of a Member State by an applicant who is in the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for international protection was lodged.	4. Where an application for asylum ⇒ international protection ⇐ is lodged with the competent authorities of a Member State by an applicant who is in the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for asylum ⇒ international protection ⇐ was lodged.	

The applicant shall be informed in writing of this transfer and of the date on which it took place.	The applicant shall be informed in writing of this transfer and of the date on which it took place.	The applicant shall be informed in writing of this transfer and of the date on which it took place.	
<p>5. An asylum seeker who is present in another Member State and there lodges an application for asylum ⇒ international protection ⇐ after withdrawing his <input checked="" type="checkbox"/> first <input checked="" type="checkbox"/> application <input checked="" type="checkbox"/> made in a different Member State <input checked="" type="checkbox"/> during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Articles <u>2023, 24 and 28</u>, by the Member State with which that application for asylum ⇒ international protection ⇐ was <input checked="" type="checkbox"/> firstly <input checked="" type="checkbox"/> lodged, with a view to completing the process of</p>	<p>5. An asylum seeker who is present in another Member State <i>where</i> <i>he/she</i> lodges an application for international protection after withdrawing his/her first application made in a different Member State during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Articles 23, 24 and 28, by the Member State with which that application for international protection was <i>first</i> lodged, with a view to completing the process of determining the Member State responsible for examining</p>	<p>5. An asylum seeker who is present in another Member State ⇐ [...] ⇐ <u>⇐ without a residence document or who ⇐ there lodges an application for asylum ⇒ international protection ⇐ after withdrawing his <input checked="" type="checkbox"/> first <input checked="" type="checkbox"/> application <input checked="" type="checkbox"/> made in a different Member State <input checked="" type="checkbox"/> during the process of determining the Member State responsible shall be taken back, under the conditions laid down in Articles <u>2023, 24 and 28</u>, by the Member State with which that application for asylum ⇒ international protection ⇐ was <input checked="" type="checkbox"/> firstly <input checked="" type="checkbox"/> lodged,</u></p>	

determining the Member State responsible for examining the application for asylum ⇒ international protection ⇐.	the application for international protection.	with a view to completing the process of determining the Member State responsible for examining the application for asylum ⇒ international protection ⇐.	
This obligation shall cease; ⇒ where the Member State requested to complete the process of determining the responsible Member State can establish that ⇐ if the asylum seeker has in the meantime left the territories of the Member States for a period of at least three months or has obtained a residence document from ☒ another ☒ is Member State.	This obligation shall cease where the Member State requested to complete the process of determining the responsible Member State <i>is able to</i> establish that the asylum seeker has in the meantime left the <i>territory</i> of the Member States for a period of at least three months or has obtained a residence document from another Member State.	This obligation shall cease; ⇒ where the Member State requested to complete the process of determining the responsible Member State can establish that ⇐ if the asylum seeker has in the meantime left the territories of the Member States for a period of at least three months or has obtained a residence document from ☒ another ☒ is Member State.	
An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the responsible Member	An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the responsible Member	An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the responsible Member	

State.	State.	State.	
☒ <i>Section II: Procedures for take charge requests</i> ☒	Section II Procedures for take-charge requests	☒ <i>Section II: Procedures for take charge requests</i> ☒	
Article 1721	Article 21	Article 1721	
☒ <i>Submitting a take charge request</i> ☒	Submitting a take charge request	☒ <i>Submitting a take charge request</i> ☒	
1. Where a Member State with which an application for asylum ⇒ international protection ⇐ has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 420(2) , call upon ☒ request ☒ the other Member State to take	1. Where a Member State with which an application for international protection has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any <i>event</i> within three months of the date on which the application was lodged within the meaning of Article 20(2), request the other Member State to take charge of the applicant.	1. Where a Member State with which an application for asylum ⇒ international protection ⇐ has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 420(2) , call upon ☒ request ☒ the other Member State to take	

charge of the applicant.		charge of the applicant.	
		<p>➡ In case of a EURODAC hit with data recorded pursuant to Article 10 of Regulation (EC) No [...] concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation, the request shall be sent within two months of receiving that hit pursuant to Article 11(2) of that Regulation. ⬅</p>	
<p>Where the request to take charge of an applicant is not made within the period of three months, responsibility for examining the application for asylum ⇒ international protection ⇐ shall lie with the Member State in which the application was lodged.</p>	<p>Where the request to take charge of an applicant is not made within <i>that</i> period of three months, responsibility for examining the application for international protection shall lie with the Member State in which the application was lodged.</p>	<p>Where the request to take charge of an applicant is not made within the period of three months ➡ or two months respectively ⬅ , responsibility for examining the application for asylum ⇒ international protection ⇐ shall lie with the Member State in which the application was</p>	

		lodged.	
2. The requesting Member State may ask for an urgent reply in cases where the application for asylum ⇒ international protection ⇐ was lodged after leave to enter or remain was refused, after an arrest for an unlawful stay or after the service or execution of a removal order and/or where the asylum seeker is held in detention.	2. The requesting Member State may ask for an urgent reply in cases where the application for international protection was lodged after leave to enter or remain was refused, after an arrest for an unlawful stay or after the service or execution of a removal order and/or where the asylum seeker is <i>being</i> held in detention.	2. The requesting Member State may ask for an urgent reply in cases where the application for asylum ⇒ international protection ⇐ was lodged after leave to enter or remain was refused, after an arrest for an unlawful stay or after the service or execution of a removal order and/or where the asylum seeker is held in detention.	
The request shall state the reasons warranting an urgent reply and the period within which a reply is expected. This period shall be at least one week.	The request shall state the reasons warranting an urgent reply and the period within which a reply is expected. <i>That</i> period shall be at least one week.	The request shall state the reasons warranting an urgent reply and the period within which a reply is expected. This period shall be at least one week.	
3. In both cases, the request that charge be taken by another Member State shall be made using a standard form and including proof or	3. In both cases, the request that charge be taken by another Member State shall be made using a standard form and including proof or	3. In both cases, the request that charge be taken by another Member State shall be made using a standard form and including proof or	

<p>circumstantial evidence as described in the two lists mentioned in Article 1822(3) and/or relevant elements from the asylum seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.</p>	<p>circumstantial evidence as described in the two lists mentioned in Article 22(3) and/or relevant elements from the asylum seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.</p>	<p>circumstantial evidence as described in the two lists mentioned in Article 1822(3) and/or relevant elements from the asylum seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.</p>	
<p>The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the procedure referred to in Article 40(2) 27(2)</p>	<p>The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the <i>regulatory</i> procedure referred to in Article 41(2).</p>	<p>The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the procedure referred to in Article 40(2) 27(2)</p>	<p>COMITOLOGY</p>
<p>Article 1822</p>	<p>Article 22</p>	<p>Article 1822</p>	
<p>☒ <i>Replying to a take charge request</i> ☒</p>	<p>Replying to a take-charge request</p>	<p>☒ <i>Replying to a take charge request</i> ☒</p>	

1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.	1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.	1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.	
2. In the procedure for determining the Member State responsible for examining the application for asylum ⇒ international protection ⇐ established in this Regulation, elements of proof and circumstantial evidence shall be used.	2. In the procedure for determining the Member State responsible for examining the application for international protection established in this Regulation, elements of proof and circumstantial evidence shall be used.	2. In the procedure for determining the Member State responsible for examining the application for asylum ⇒ international protection ⇐ established in this Regulation, elements of proof and circumstantial evidence shall be used.	
3. In accordance with the procedure referred to in Article 27(2) <u>40(2)</u> two lists shall be established and periodically reviewed, indicating the elements of proof and circumstantial evidence in accordance with the following criteria:	3. In accordance with the <i>regulatory</i> procedure referred to in <i>Article 41(2)</i> two lists shall be established and periodically reviewed, indicating the elements of proof and circumstantial evidence in accordance with the following criteria:	3. In accordance with the procedure referred to in Article 27(2) <u>40(2)</u> two lists shall be established and periodically reviewed, indicating the elements of proof and circumstantial evidence in accordance with the following criteria:	COMITOLOGY

(a) Proof:	(a) Proof:	(a) Proof:	
<p>(i) This refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary.</p>	<p>(i) This refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary.</p>	<p>(i) This refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;</p>	
<p>(ii) The Member States shall provide the Committee provided for in Article 27 <u>40</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.</p>	<p>(ii) The Member States shall provide the Committee provided for in <i>Article 41</i> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.</p>	<p>(ii) The Member States shall provide the Committee provided for in Article 27 <u>40</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.</p>	<p>COMITOLOGY</p>

(b) Circumstantial evidence:	(b) Circumstantial evidence:	(b) Circumstantial evidence:	
(i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them.	(i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the <i>evidential</i> value attributed to them.	(i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them;	
(ii) Their evidentiary value, in relation to the responsibility for examining the application for asylum ⇒ international protection ⇐	(ii) Their <i>evidential</i> value, in relation to the responsibility for examining the application for international protection, shall be	(ii) Their evidentiary value, in relation to the responsibility for examining the application for asylum ⇒ international al protection ⇐	

shall be assessed on a case-by-case basis.	assessed on a case-by-case basis.	shall be assessed on a case-by-case basis.	
4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.	4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.	4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.	
5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.	5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.	5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.	
6. Where the requesting Member State has pleaded urgency, in accordance with the provisions of Article 17(2) 21(2), the requested Member State shall make every effort to conform to the time limit requested. In exceptional cases, where it can be	6. Where the requesting Member State has pleaded urgency in accordance with the provisions of Article 21(2), the requested Member State shall make every effort to <i>comply with</i> the time limit requested. In exceptional cases, where it can be	6. Where the requesting Member State has pleaded urgency, in accordance with the provisions of Article 17(2) 21(2), the requested Member State shall make every effort to conform to the time limit requested. In exceptional cases, where it can be	

<p>demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give the reply after the time limit requested, but in any case within one month. In such situations the requested Member State must communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.</p>	<p>demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give <i>its</i> reply after the time limit requested, but in any <i>event</i> within one month. In such situations the requested Member State <i>shall</i> communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.</p>	<p>demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give the reply after the time limit requested, but in any case within one month. In such situations the requested Member State must communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.</p>	
<p>7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions ☒ obligation to provide ☒ for proper arrangements for arrival.</p>	<p>7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the obligation to provide for proper <i>reception</i> arrangements .</p>	<p>7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions ☒ obligation to provide ☒ for proper arrangements for arrival.</p>	

<p>⊗ <i>Section III. Procedures for take back requests</i> ⊗</p>	<p>Section III Procedures for take-back requests</p>	<p>⊗ <i>Section III. Procedures for take back requests</i> ⊗</p>	
<p>Article 20 23</p>	<p>Article 23</p>	<p>Article 20 23</p>	
<p>⊗ <i>Submitting a take back request</i> ⊗</p>	<p>Submitting a take-back request</p>	<p>⊗ <i>Submitting a take back request</i> ➡ <u>when a new application has been lodged in the requesting Member State</u> Ⓒ ⊗</p>	
<p>1. An asylum seeker shall be taken back ➡ Where a Member State with which a subsequent application for international protection has been lodged or on whose territory an applicant or another person as referred to in Article 18(1)(d) is staying without a residence document, considers that another Member State is responsible ⇐ in accordance with Article 420(5) and Article 1618(1) (c)(b), (d)(c) and</p>	<p>1. Where a Member State with which a subsequent application for international protection has been lodged or on whose territory an applicant or another person as referred to in Article 18(1)(d) is staying without a residence document, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.</p>	<p>➡ 1. Where a Member State with which a person as referred to in Article 18(1)(b), (c) or (d) lodged a new application for international protection, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.</p>	

<p>(e)(d) as follows: ⇒ it may request that other Member State to take back that person. ⇐</p>			
<p>2. In case of a subsequent application for international protection, the request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 6(5) of Regulation (EC) No [...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].</p>	<p>2. In <i>the event</i> of a subsequent application for international protection, the request to take back the person concerned shall be made as quickly as possible and in any <i>event</i> within one month of receiving the <i>Eurodac</i> hit, pursuant to <i>Article</i> 6(6) of Regulation (EC) No [...] [concerning the establishment of "<i>Eurodac</i>" for the comparison of fingerprints for the effective application of [...] Regulation (EC) No [...] <i>establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person</i>].</p>	<p>2. The request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 6(5) of Regulation (EC) No [...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].</p>	

<p>If the request to take back the applicant who lodged a subsequent application for international protection is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the application for international protection was lodged within the meaning of Article 20(2).</p>	<p>If the request to take back the applicant who lodged a subsequent application for international protection is based on evidence other than data obtained from the <i>Eurodac</i> system, it shall be sent to the requested Member State within three months of the date on which the application for international protection was lodged within the meaning of Article 20(2).</p>		
<p>3 Where there is no subsequent application for international protection, and in case the requesting Member State decides to search the EURODAC system in accordance with Article 13 of Regulation (EC) No [...] [concerning the establishment of "EURODAC" for the</p>	<p>3. Where there is no subsequent application for international protection, and if the requesting Member State decides to search the <i>Eurodac</i> system in accordance with Article 13 of Regulation (EC) No [...] [concerning the establishment of "Eurodac" for the</p>		

<p>comparison of fingerprints for the effective application of the Dublin Regulation], the request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 13(4) of that Regulation.</p>	<p>comparison of fingerprints for the effective application of Regulation (EC) No .../... establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], the request to take back the person concerned shall be made as quickly as possible and in any event within one month of receiving the Eurodac hit, pursuant to Article 13(4) of that Regulation.</p>		
<p>If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the</p>	<p>If the request to take back the person concerned is based on evidence other than data obtained from the Eurodac system, it shall be sent to the requested Member State within three months of the date on which the</p>	<p>If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the</p>	

requesting Member State becomes aware that another Member State may be responsible for the person concerned.	requesting Member State becomes aware that another Member State may be responsible for the person concerned.	<u>application for international protection was lodged within the meaning of Article 20(2).</u>	
4. Where the request to take back of an applicant or another person as referred to in Article 18(1)(d) is not made within the periods laid down in paragraphs 2 and 3, responsibility for examining the application for international protection shall lie with the Member State in which the application was subsequently lodged or on whose territory the person is staying without a residence document.	4. Where the request to take back of an applicant or another person as referred to in Article 18(1)(d) is not made within the periods laid down in paragraphs 2 and 3 <i>of this Article</i> , responsibility for examining the application for international protection shall lie with the Member State in which the application was subsequently lodged or on whose territory the person is staying without a residence document.	3. <u>Where the request to take back the person concerned is not made within the periods laid down in paragraph 2, responsibility for examining the application for international protection shall lie with the Member State in which the new application was lodged.</u>	
<u>5</u> (a) <u>The request for the applicant ☒ or for another person as referred to in Article 18(1)(d) ☒ to be taken back ⇒ shall be made using a standard</u>	5. The request for the applicant or for another person as referred to in Article 18(1)(d) to be taken back shall be made using a standard form and	<u>4. The request for the person concerned to be taken back shall be made using a standard form and including proof or circumstantial evidence</u>	

<p>form and including proof or circumstantial evidence and/or relevant elements from the person's statements, must contain information enabling the the authorities of the the requested Member State to check that the whether the it is responsible.</p>	<p>including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.</p>	<p>and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.</p>	
<p>2. The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 27(2)40(2).</p>	<p>The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the <i>regulatory</i> procedure referred to in <i>Article 41(2)</i>.</p>	<p>The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 40(2). 2</p>	<p>COMITOLOGY</p>
		<p>2 Article 23A</p>	
		<p><u>Submitting a take back request when no new application for international protection has been lodged in the requesting Member State</u></p>	

		<p>1. Where a Member State on whose territory a person as referred to in Article 18(1)(b), (c) or (d), is staying without a residence document and with which no new application for international protection has been lodged, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that Member State to take back that person.</p>	
		<p>2. By derogation from Article 6(2) of Directive 2008/115/EC, where a Member State on whose territory a person is staying without a residence document decides to search the EURODAC system in accordance with article 13 of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the</p>	

		<p>comparison of fingerprints for the effective application of the Dublin Regulation], the request to take back a person as referred to in Article 18 (1) (b) or (c), or a person as referred to in article 18 (1) (d) whose application for international protection not has been rejected by a final decision shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 13(4) of that Regulation.</p>	
		<p>If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the requesting Member State becomes aware that another Member State may be responsible for</p>	

		the person concerned.	
		<p>3. Where the request to take back the person concerned, is not made within the periods laid down in paragraph 2, the Member State on whose territory the person concerned is staying without a residence document shall give the person the opportunity to lodge a new application [...] .</p>	
		<p>4. Where a person as referred to in Article 18(1)(d) whose application for international protection has been rejected by a final decision in one Member State is on the territory of another Member State without a residence document, the second Member State may either request the first Member State to take back the person concerned or carry out a return procedure in accordance with Directive</p>	

		2008/115/EC of the European Parliament and of the Council of 6 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.	
		When the second Member State decided to request the first Member State to take back the person concerned, the rules laid down in Directive 2008/115/EC shall not apply.	
		5. The request for the person referred to in Article 18(1)(b), (c) or (d) to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.	

		The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 40(2). ©	
<u>Article 24</u>	Article 24	<u>Article 24</u>	
☒ <i>Replying to a take back request</i> ☒	Replying to a take back request	☒ <i>Replying to a take back request</i> ☒	
(b) 1. ===== The requested Member State called upon to take back the applicant shall be obliged to make the necessary checks and ☒ shall give a decision on ☒ reply to the request ☒ to take back the person concerned ☒ addressed to it as quickly as possible and under no circumstances exceeding a period of ☒ in any event no later than ☒ one month from the referral	1. The requested Member State shall make the necessary checks and shall <i>issue</i> a decision on the request to take back the person concerned as quickly as possible and in any event no later than one month from the date on which the request was received. When the request is based on data obtained from the Eurodac system, <i>that</i> time limit <i>shall be</i> reduced to	(b) 1. ===== The requested Member State called upon to take back the applicant shall be obliged to make the necessary checks and ☒ shall give a decision on ☒ reply to the request ☒ to take back the person concerned ☒ addressed to it as quickly as possible and under no circumstances exceeding a period of ☒ in any event no later than ☒ one month from the referral	

<p>☒ date on which the request was received ☒ . When the request is based on data obtained from the Eurodac system, this time limit is reduced to two weeks.</p>	<p>two weeks.</p>	<p>☒ date on which the request was received ☒ . When the request is based on data obtained from the Eurodac system, this time limit is reduced to two weeks.</p>	
<p>(c) 2. where the requested Member State does not communicate its decision ☒ Failure to act ☒ within the one month period or the two weeks period mentioned in subparagraph (b) (1) ☒ shall be tantamount to accepting the request ☒ , and entail the obligation ☒ # shall be considered to have agreed to take back the asylum seeker ☒ person concerned ☒ , including the obligation to provide for proper arrangements for arrival ☒ .</p>	<p>2. Failure to act within the one month period or the two weeks period mentioned in paragraph 1 shall be tantamount to accepting the request, and entail the obligation to take back the person concerned, including the obligation to provide for proper <i>reception</i> arrangements.</p>	<p>(c) 2. where the requested Member State does not communicate its decision ☒ Failure to act ☒ within the one month period or the two weeks period mentioned in subparagraph (b) (1) ☒ shall be tantamount to accepting the request ☒ , and entail the obligation ☒ # shall be considered to have agreed to take back the asylum seeker ☒ person concerned ☒ , including the obligation to provide for proper arrangements for arrival ☒ .</p>	
<p>(d) a Member State which agrees to take back an asylum seeker shall be obliged to readmit that</p>		<p>(d) a Member State which agrees to take back an asylum seeker shall be obliged to readmit that</p>	

<p>person to its territory. The transfer shall be carried out in accordance with the national law of the requesting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken by another Member State or of the decision on an appeal or review where there is a suspensive effect;</p>		<p>person to its territory. The transfer shall be carried out in accordance with the national law of the requesting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken by another Member State or of the decision on an appeal or review where there is a suspensive effect;</p>	
<p>(c) the requesting Member State shall notify the asylum seeker of the decision concerning his being taken back by the Member State responsible. The decision shall set out the grounds on which it is based. It shall contain details of the time limit on carrying out the transfer and shall, if necessary, contain information on the place and date at which the applicant should appear;</p>		<p>(c) the requesting Member State shall notify the asylum seeker of the decision concerning his being taken back by the Member State responsible. The decision shall set out the grounds on which it is based. It shall contain details of the time limit on carrying out the transfer and shall, if necessary, contain information on the place and date at which the applicant should appear;</p>	

if he is travelling to the Member State responsible by his own means. This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case by case basis if the national legislation allows for this.		if he is travelling to the Member State responsible by his own means. This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case by case basis if the national legislation allows for this.	
If necessary, the asylum seeker shall be supplied by the requesting Member State with a laissez passer of the design adopted in accordance with the procedure referred to in Article 27(2).		If necessary, the asylum seeker shall be supplied by the requesting Member State with a laissez passer of the design adopted in accordance with the procedure referred to in Article 27(2).	
The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker or of the fact that he did not appear within the set time limit.		The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker or of the fact that he did not appear within the set time limit.	

<p>2. Where the transfer does not take place within the six months' time limit, responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer or the examination of the application could not be carried out due to imprisonment of the asylum seeker or up to a maximum of eighteen months if the asylum seeker absconds.</p>		<p>2. Where the transfer does not take place within the six months' time limit, responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer or the examination of the application could not be carried out due to imprisonment of the asylum seeker or up to a maximum of eighteen months if the asylum seeker absconds.</p>	
<p>3. The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 27(2).</p>		<p>3. The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 27(2).</p>	
<p>4. Supplementary rules on carrying out transfers may</p>		<p>4. Supplementary rules on carrying out transfers may</p>	

be adopted in accordance with the procedure referred to in Article 27(2).		be adopted in accordance with the procedure referred to in Article 27(2).	
<input checked="" type="checkbox"/> Section IV. Procedural safeguards <input checked="" type="checkbox"/>	Section IV Procedural safeguards	<input checked="" type="checkbox"/> Section IV. Procedural safeguards <input checked="" type="checkbox"/>	
Article 19 25	Article 25	Article 19 25	
<input checked="" type="checkbox"/> Notification of a transfer decision <input checked="" type="checkbox"/>	Notification of a transfer decision	<input checked="" type="checkbox"/> Notification of a transfer decision <input checked="" type="checkbox"/>	
1. Where the requested Member State accepts <input checked="" type="checkbox"/> agrees <input checked="" type="checkbox"/> that it should <input checked="" type="checkbox"/> to <input checked="" type="checkbox"/> take charge of <input checked="" type="checkbox"/> or to take back <input checked="" type="checkbox"/> an applicant <input checked="" type="checkbox"/> or another person as referred to in Article 18(1)(d) <input checked="" type="checkbox"/> , the <input checked="" type="checkbox"/> requesting <input checked="" type="checkbox"/> Member State in which the application for asylum was lodged shall notify the applicant <input checked="" type="checkbox"/> person concerned <input checked="" type="checkbox"/> of the decision not to examine the application, and of the obligation <input checked="" type="checkbox"/> of the	1. Where the requested Member State agrees to take charge or to take back an applicant or another person as referred to in Article 18(1)(d), the requesting Member State shall notify the person concerned of the decision to transfer him/her to the responsible Member State and, where applicable, <i>that it will not be</i> examining his/her application for international protection. Such notification shall be made in writing, in a	1. Where the requested Member State accepts <input checked="" type="checkbox"/> agrees <input checked="" type="checkbox"/> that it should <input checked="" type="checkbox"/> to <input checked="" type="checkbox"/> take charge of <input checked="" type="checkbox"/> or to take back <input checked="" type="checkbox"/> an applicant <input checked="" type="checkbox"/> or another person as referred to in Article 18(1) ☞ (c) or ☞ (d) <input checked="" type="checkbox"/> , the <input checked="" type="checkbox"/> requesting <input checked="" type="checkbox"/> Member State in which the application for asylum was lodged shall ☞ [...] ☞ <input checked="" type="checkbox"/> communicate to ☞ the applicant <input checked="" type="checkbox"/> person concerned <input checked="" type="checkbox"/> of the decision not to examine	

<p>decision <input checked="" type="checkbox"/> to transfer <input checked="" type="checkbox"/> him/her <input checked="" type="checkbox"/> the applicant to the responsible Member State <input checked="" type="checkbox"/> and, where applicable, of not examining his/her application for international protection <input checked="" type="checkbox"/>. <input checked="" type="checkbox"/> Such notification shall be made in writing, in a language which the person is reasonably supposed to understand and within no more than fifteen working days from the date of receipt of the reply from the requested Member State <input checked="" type="checkbox"/>.</p>	<p>language which the <i>applicant understands or may reasonably be presumed</i> to understand and within no more than 15 working days from the date of receipt of the reply from the requested Member State.</p>	<p>the application, and of the obligation <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/> the decision <input checked="" type="checkbox"/> to transfer <input checked="" type="checkbox"/> him/her <input checked="" type="checkbox"/> the applicant to the responsible Member State <input checked="" type="checkbox"/> and, where applicable, of not examining his/her application for international protection <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/>. <input checked="" type="checkbox"/> If a legal advisor or other counsellor is representing the person concerned, Member States may choose to provide the decision to him/her instead of to the person concerned. <input checked="" type="checkbox"/></p>	
<p>2. The decision referred to in paragraph 1 shall set out the grounds on which it is based, <input checked="" type="checkbox"/> including a description of the main steps in the procedure leading to the decision. It shall contain information on available legal remedies and the time-limits applicable for seeking such remedies, as well as information on</p>	<p>2. The decision referred to in paragraph 1 shall set out the grounds on which it is based, including a description of the main steps in the procedure leading to the decision. It shall contain information on available legal remedies and the time-limits applicable for <i>exercising</i> such remedies, as well as information on</p>	<p>2. The decision referred to in paragraph 1 shall <input checked="" type="checkbox"/> be issued in writing and shall <input checked="" type="checkbox"/> set out the grounds on which it is based, <input checked="" type="checkbox"/> in fact and in law. <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/></p>	

<p>persons or entities that may provide specific legal assistance and/or representation to the person <input type="checkbox"/>. It shall contain details of the time limit for carrying out the transfer and shall, if necessary, contain information on the place <input type="checkbox"/> where, <input type="checkbox"/> and <input type="checkbox"/> the <input type="checkbox"/> date at <input type="checkbox"/> on <input type="checkbox"/> which the applicant <input type="checkbox"/> person concerned <input type="checkbox"/> should appear, if he/she is travelling to the <input type="checkbox"/> responsible <input type="checkbox"/> Member State responsible by his/her own means.</p> <p><input type="checkbox"/> The time-limits for carrying out the transfer shall be set in order to allow the person a reasonable period of time to seek a remedy in accordance with Article 26. <input type="checkbox"/> This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent</p>	<p>persons or entities that may provide specific legal assistance and/or representation to the person. It shall contain details of the time limit for carrying out the transfer and shall, if necessary, contain information on the place where, and the date on which, the person concerned should appear, if he/she is travelling to the responsible Member State by his/her own means. The time-limits for carrying out the transfer shall be set in order to allow the person a reasonable period of time to <i>exercise</i> a remedy in accordance with Article 26.</p>		
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<p>bodies so decide in a case by case basis if the national legislation allows for this.</p>			
		<p> ➤ The decision referred to in paragraph 1 ☐ shall ➤ also ☐ contain information on available legal remedies and the time-limits applicable for seeking such remedies, ➤ [...] ☐ details of the time limit for carrying out the transfer and shall, if necessary, contain information on the place ☒ where, ☒ and ☒ the ☒ date at ☒ on ☒ which the applicant ☒ person concerned ☒ should appear, if he/she is travelling to the ☒ responsible ☒ Member State responsible by his/her own means. ➤ Member States shall also ensure that information on persons or entities that may provide ➤ [...] ☐ legal assistance to the person concerned is ➤ [...] ☐ communicated to the person concerned </p>	

		<p>together with the decision referred to in paragraph 1, when the information has not been already communicated. ☞</p> <p>☞ [...] ☞</p>	
		<p>☞ [...] ☞ This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case-by-case basis if the national legislation allows for this.</p>	
		<p>☞ 3. When the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall ☞ [...] ☞ inform him/her ☞ [...] ☞ of the main elements of the decision, which shall always include information on available legal remedies and the time-limits applicable for</p>	

		seeking such remedies, in a language the person concerned understands or may be reasonably to [...] be presumed to understand. to	
Article 26	Article 26	Article 26	
Remedies	Remedies	Remedies	
1. The applicant or another person as referred to in Article 18(1)(d) shall have the right to an effective judicial remedy, in the form of an appeal or a review, in fact and in law, of the transfer decision referred to in Article 25, before a court or tribunal.	1. The applicant or another person as referred to in Article 18(1)(d) shall have the right to an effective judicial remedy, in the form of an appeal or a review, in fact and in law, of the transfer decision referred to in Article 25 before a court or tribunal.	1. The applicant or another person as referred to in Article 18(1) to (c) or to (d) shall have the right to an effective to [...] be remedy, in the form of an appeal or a review, in fact and in law, to [...] be to against to the transfer decision referred to in Article 25, before a court or tribunal.	EP can agree with Council Position 1. The applicant or another person as referred to in Article 18(1) to (c) or to (d) shall have the right to an effective to [...] be remedy, in the form of an appeal or a review, in fact and in law, to [...] be to against to the transfer decision referred to in Article 25, before a court or tribunal.
2. Member States shall provide for a reasonable period of time within which the person concerned may exercise	2. Member States shall provide for a reasonable period of time within which the person concerned may exercise	2. Member States shall provide for a reasonable period of time within which the person concerned may exercise	EP can agree with Council Position 2. Member States shall provide for a reasonable period of time within which the person

his/her right to an effective judicial remedy pursuant to paragraph 1.	his/her right to an effective judicial remedy pursuant to paragraph 1.	his/her right to an effective remedy pursuant to paragraph 1. ➡ [...] ⬅	concerned may exercise his/her right to an effective ➡ [...] ⬅ remedy pursuant to paragraph 1.
	<i>That period of time shall not be less than 10 working days as from the date of notification referred to in Article 25(1).</i>		EP sticks to its Position.
			<u>Council draft compromise</u> 2A) Abuse of the Common European Asylum System including by clearly unsubstantiated, unfounded or fraudulent applications for international protection is not only to the detriment of the legitimacy and effectiveness of the system itself, including the elements in it set up by this Regulation, but even more so to bona fide applicants for international protection.
3. In the event of an appeal or review concerning the transfer decision referred to in Article 25, the	3. In the event of an appeal or review concerning the transfer decision referred to in Article 25, the	3. In the event of an appeal or review concerning the transfer decision referred to in Article 25, ➡ and	<u>Compromise suggested by the Rapporteur for par.3</u> [equivalent to para 3 and 4 EP

<p>authority referred to in paragraph 1 of this Article shall, acting ex-officio, decide, as soon as possible, and in any case no later than seven working days from the lodging of an appeal or of a review, whether or not the person concerned may remain on the territory of the Member State concerned pending the outcome of his/her appeal or review.</p>	<p>authority referred to in paragraph 1 of this Article shall, acting <i>either at the request of the person concerned or, in the absence of such a request,</i> ex-officio, decide, as soon as possible, and in any event no later than <i>five</i> working days from the lodging of an appeal or of an application for review, whether or not the person concerned may remain on the territory of the Member State concerned pending the outcome of his/her appeal or review.</p>	<p>where the right to remain in the Member State concerned pending the outcome of the [...] the appeal or review is not foreseen under national legislation the [...], that Member the [...], State shall give the person concerned the opportunity to request a [...], a court or tribunal to [...], to suspend the implementation of the transfer decision pending the outcome of his/her appeal or review.</p>	<p>Position]</p> <p>3 In the event of an appeal or review concerning the transfer decision referred to in Article 25, the authority referred to in paragraph 1 of this Article shall decide, <u>within a reasonable period of time</u> whether or not the person concerned may remain on the territory of the Member State concerned pending the outcome of his/her appeal or review. No transfer shall take place before this decision is taken.</p> <p><u>Council draft compromise</u></p> <p>3. In the event of an appeal or review concerning the transfer decision referred to in Article 25, the Member States may shall either provide in their national legislation that: and where the right to remain in the Member State concerned pending the outcome of the [...] the appeal or review is not foreseen under national legislation the [...], that Member the [...], State shall</p>
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			<p>A) <u>the appeal or review confers upon the applicant the right to remain in the Member State concerned pending the outcome of the remedy; or</u></p> <p>B) <u>the appeal or review triggers an automatic suspension of the transfer for a reasonable period of time, during which a decision is taken on the suspensive effect of any appeal or review; or</u></p> <p>C) <u>the person concerned is given the opportunity to request</u> <u>☞ [...] ☞ [...] ☞ a court or tribunal ☞ [...] ☞ to suspend the implementation of the transfer decision ☞ pending the outcome of his/her appeal or review.</u></p> <p><u>Member States shall ensure that an effective remedy is in place by suspending the transfer until this decision is taken. Any decision on whether to suspend the implementation of the transfer decision shall be taken within a reasonable period of time. A decision not to suspend the implementation of the</u></p>
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			<u>transfer decision shall state the reasons on which it is based.</u>
		<p>☞ [...] ☞ Any decision on whether to suspend the implementation of the transfer decision, shall be taken within a reasonable period of time. ☞ [...] ☞ Transfers shall be carried out in accordance with the Charter of Fundamental Rights of the European Union as well as other international obligations of the Member States, including relevant case law from the European Court of Human Rights. ☞</p>	<p>A decision rejecting the request for the suspension of the implementation of the transfer decision pending the outcome of the appeal or review <u>shall state the reasons on which it is based.</u> No transfers shall be carried out in violation of <u>the Charter of Fundamental Rights of the European Union or other international obligations of the Member States, including relevant case law from the European Court of Human Rights.</u></p> <p><u>Council draft compromise</u></p> <p>Transfers shall be carried out in accordance with the Charter of Fundamental Rights of the European Union as well as other international obligations of the Member States, including relevant case law from the European Court of Human Rights. ☞</p>

		☞ [...] ☞	
		☞ Member States' may provide that competent authorities may ☞ [...] ☞ decide acting ex officio ☞ [...] ☞ to suspend the implementation of the transfer decision pending the outcome of the appeal or review, ☞ [...] ☞ ☞ [...] ☞ . ☞	Council draft compromise ☞ Member States' may provide that competent authorities may ☞ [...] ☞ decide acting ex officio ☞ [...] ☞ to suspend the implementation of the transfer decision pending the outcome of the appeal or review, ☞ [...] ☞ ☞ [...] ☞ . ☞
4. No transfer shall take place before the decision referred to in paragraph 3 is taken. A decision not to allow the person concerned to remain on the territory of the Member State concerned pending the outcome of his/her appeal or review, shall state the reasons on which it is based.	4. No transfer shall take place before the decision referred to in paragraph 3 is taken. A decision not to allow the person concerned to remain on the territory of the Member State concerned pending the outcome of his/her appeal or review shall state the reasons on which it is based.	☞ [...] ☞	
5. Member States shall ensure that the person concerned has access to legal assistance and/or representation and, where	5. Member States shall ensure that the person concerned has access to legal assistance and/or representation and, where	☞ [...] ☞ ☞ 4. ☞ Member States shall ensure that the person concerned has access to legal assistance ☞ [...] ☞ and, where	

necessary, to linguistic assistance.	necessary, to linguistic assistance.	necessary, to linguistic assistance.	
6. Member States shall ensure that legal assistance and/or representation be granted free of charge where the person concerned cannot afford the costs involved.	6. Member States shall ensure that <i>the necessary</i> legal assistance and/or representation <i>is</i> granted <i>on request</i> free of charge <i>in accordance with Article 15(3) to (6) of Directive 2005/85/EC</i> .	<p>☞ [...] ☞ ☞ 5. ☞ Member States shall ensure that legal assistance ☞ [...] ☞ be granted ☞ on request ☞ ☞ [...] ☞ free of charge where the person concerned cannot afford the costs involved ☞, and insofar as it is necessary to ensure his/her effective access to justice ☞ [...] ☞.</p> <p>Member States may provide that, as regards fees and other costs the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. ☞</p>	<p>☞ 5. ☞ Member States shall ensure that legal assistance ☞ [...] ☞ be granted ☞ on request ☞ ☞ [...] ☞ free of charge where the person concerned cannot afford the costs involved ☞, and insofar as it is necessary to ensure his/her effective access to justice ☞ [...] ☞.</p> <p>Member States may provide that, as regards fees and other costs the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. ☞</p>
		<p>☞ Without arbitrarily restricting access to legal assistance, ☞ [...] ☞ Member States may</p>	<p><u>Commission draft compromise</u></p> <p>☞ Without arbitrarily restricting access to legal assistance, ☞ [...] ☞</p>

		<p> [...] provide that free legal assistance not be granted [...] where the appeal or review is considered by [...] the competent authority [...] or a court or tribunal to have no tangible prospect of success [...] </p>	<p> Member States may [...] provide that free legal assistance not be granted [...] where the appeal or review is considered by [...] the competent authority [...] or a court or tribunal to have no tangible prospect of success [...] </p> <p> Where a decision not to grant free legal assistance and representation pursuant to this paragraph is taken by an authority which is not a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal against this decision. </p> <p> In the application of this paragraph, 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. </p>
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Procedures for access to legal assistance and/or representation shall be laid down in national law.	Procedures for access to legal assistance and/or representation shall be laid down in national law.	Procedures for access to legal assistance shall be laid down in national law. ☞	<p><u>Council draft compromise</u></p> <p>Procedures for access to legal assistance shall be laid down in national law. ☞</p>
<i>Section V. Detention for the purpose of transfer</i>	Section V Detention for the purpose of transfer	<i>Section V. Detention for the purpose of transfer</i>	
<i>Article 27</i>	Article 27	<i>Article 27</i>	
<i>Detention</i>	Detention	<i>Detention</i>	

		➔ [...] ☹	
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 2005/85/EC.	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 2005/85/EC.	➔ 1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection who is subject to the procedure established by this Regulation. ☹	
		➔ [...] ☹ Member States may detain persons ➔ [...] ☹ in order to secure ➔ [...] ☹ transfer ➔ procedures ☹ ➔ [...] ☹ in accordance with this Regulation when there is a ➔ [...] ☹ risk of absconding, on the basis of an individual assessment ➔ and only in so far as detention is <u>proportional</u> ☹, if other less coercive alternative measures cannot be applied effectively. Detention shall be ➔ as short as possible and ☹ no longer than the time reasonably necessary to fulfill ➔ with due <u>diligence</u> ☹ the required	

		administrative procedures ☞ until the transfer under this Regulation is carried out ☞ ☞ [...] ☞ .	
		Member States shall lay down ☞ in their national legislation ☞ ☞ and in accordance with applicable EU and international instruments, ☞ provisions on conditions for detention of and on guarantees applicable to persons detained ☞ in order to secure a transfer to the responsible Member State ☞ [...] ☞ ☞ ☞ [...] ☞ ☞ [...] ☞ ☞ [...] ☞ ☞	
2. Without prejudice to Article 8(2) of Directive [.../.../EC] [laying down minimum standards for the reception of asylum seekers], when it proves necessary, on the basis of an individual assessment of each case, and if other less coercive measures cannot be applied effectively, Member	2. Without prejudice to Article 8(2) of Directive .../.../EC [laying down minimum standards for the reception of asylum seekers], when it proves necessary, on the basis of an individual assessment of each case, Member States may detain an asylum-seeker or another person as		

<p>States may detain an asylum-seeker or another person as referred to in Article 18(1)(d), who is subject of a decision of transfer to the responsible Member State, to a particular place only if there is a significant risk of him/her absconding.</p>	<p>referred to in Article 18(1)(d) <i>of this Regulation</i>, who is subject to a decision of transfer to the responsible Member State, <i>in a non-detention facility only if other less coercive measures have not been effective and</i>, only if there is a risk of <i>his/her</i> absconding.</p>		
<p>3. When assessing the application of other less coercive measures for the purpose of paragraph 2, Member States shall take into consideration alternatives to detention such as regular reporting to the authorities, the deposit of a financial guarantee, an obligation to stay at a designated place or other measures to prevent the risk of absconding.</p>	<p>3. When assessing the application of other less coercive measures for the purpose of paragraph 2, Member States shall take into consideration alternatives to detention such as regular reporting to the authorities, the deposit of a financial guarantee, an obligation to stay at a designated place or other measures to prevent the risk of absconding.</p>		

			<p><u>Commission draft compromise</u></p> <p>Where a person is detained in the application of the current article, the period for submitting a take charge or take back request shall not exceed a month from the moment the application was lodged. The Member State carrying out the procedure in accordance with this Regulation shall ask for an urgent reply in such cases, which shall not exceed one month for replying to a take charge request and two weeks for replying to a take back request.</p>
			<p><u>Commission draft compromise</u></p> <p>The transfer of the person from the requesting Member State to the responsible Member State shall be carried out as soon as practically possible, and at the latest within three months of</p>

			acceptance of the request by another Member State to take charge or to take back the person concerned or of the final decision on an appeal or review where there is a suspensive effect in accordance with Article 26(3).
4. Detention pursuant to paragraph 2 may only be applied from the moment a decision of transfer to the responsible Member State has been notified to the person concerned in accordance with Article 25, until that person is transferred to the responsible Member State.	4. Detention pursuant to paragraph 2 may only be applied from the moment a decision of transfer to the responsible Member State has been notified to the person concerned in accordance with Article 25 until that person is transferred to the responsible Member State.		
5. Detention pursuant to paragraph 2 shall be ordered for the shortest period possible. It shall be no longer than the time reasonably necessary to	5. Detention pursuant to paragraph 2 shall be ordered for the shortest period possible. It shall be no longer than the time reasonably necessary to		

fulfil the required administrative procedures for carrying out a transfer.	fulfil the required administrative procedures for carrying out a transfer.		
6. Detention pursuant to paragraph 2 shall be ordered by judicial authorities. In urgent cases it may be ordered by administrative authorities, in which case the detention order shall be confirmed by judicial authorities within 72 hours from the beginning of the detention. Where the judicial authority finds detention to be unlawful, the person concerned shall be released immediately.	6. Detention pursuant to paragraph 2 shall be ordered by judicial authorities. In urgent cases it may be ordered by administrative authorities, in which case the detention order shall be confirmed by judicial authorities within 72 hours from the beginning of the detention. Where the judicial authority finds detention to be unlawful, the person concerned shall be released immediately.		
7. Detention pursuant to paragraph 2 shall be ordered in writing with reasons in fact and in law, in particular specifying the reasons on the basis of which it is considered that there is a significant risk of the person concerned absconding as well as the time period of its	7. Detention pursuant to paragraph 2 shall be ordered in writing with reasons in fact and in law, in particular specifying the reasons on the basis of which it is considered that there is a ■ risk of the person concerned absconding, as well as the time period of its		

duration.	duration.		
Detained persons shall immediately be informed of the reasons for detention, the intended duration of the detention and the procedures laid down in national law for challenging the detention order, in a language they are reasonably supposed to understand.	Detained persons shall immediately be informed of the reasons for detention, the intended duration of the detention and the procedures laid down in national law for challenging the detention order, in a language <i>which</i> they <i>understand or may reasonably be presumed</i> to understand.		
8. In every case of a detained person pursuant to paragraph 2, the continued detention shall be reviewed by a judicial authority at reasonable intervals of time either on request by the person concerned or ex-officio. Detention shall never be unduly prolonged.	8. In every case of a <i>detention</i> pursuant to paragraph 2, the ■ detention shall be reviewed by a judicial authority at reasonable intervals of time either on request by the person concerned or ex-officio. Detention shall never be unduly prolonged.		
9. Member States shall ensure access to legal assistance and/or representation in cases of detention pursuant to paragraph 2 that shall be free of charge where the	9. Member States shall ensure access to legal assistance and/or representation in cases of detention pursuant to paragraph 2 that shall be free of charge where the		

person concerned cannot afford the costs involved.	person concerned cannot afford the costs involved.		
Procedures for access to legal assistance and/or representation in such cases shall be laid down in national law.	Procedures for access to legal assistance and/or representation in such cases shall be laid down in national law.		
10. Minors shall not be detained unless it is in their best interests, as prescribed in Article 7 of this Regulation and in accordance with an individual examination of their situation in accordance with Article 11(5) of Directive [...]/.../EC [laying down minimum standards for the reception of asylum seekers].	10. Minors shall not be detained unless it is in their best interests as prescribed in Article 6(3) of this Regulation and in accordance with an individual examination of their situation in accordance with Article 11(5) of Directive .../.../EC [laying down minimum standards for the reception of asylum seekers].		
11. Unaccompanied minors shall never be detained.	11. Unaccompanied minors shall never be detained.		
12. Member States shall ensure that asylum-seekers detained in accordance with this Article enjoy the same level of reception conditions for detained	12. Member States shall ensure that asylum-seekers detained in accordance with this Article enjoy the same level of reception conditions for detained		

applicants as those laid down in particular in Articles 10 and 11 of Directive [...] /EC] [laying down minimum standards for the reception of asylum seekers].	applicants as those laid down in particular in Articles 10 and 11 of Directive [...] /EC [laying down minimum standards for the reception of asylum seekers].		
⊗ Section VI: Transfers ⊗	Section VI Transfers	⊗ Section VI: Transfers ⊗	
Article 19 28	Article 28	Article 19 28	
⊗ Modalities and time-limits ⊗	Arrangements and time-limits	⊗ Modalities and time-limits ⊗	
13. The transfer of the applicant ⊗ or of another person as referred to in Article 18(1)(d) ⊗ from the ⊗ requesting ⊗ Member State in which the application was lodged to the ⊗ responsible ⊗ Member State responsible shall be carried out in accordance with the national law of the ⊗ requesting ⊗ first Member State, after	1. The transfer of the applicant or of another person as referred to in Article 18(1)(d) from the requesting Member State to the responsible Member State shall be carried out in accordance with the national law of the requesting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of	13. The transfer of the applicant ⊗ or of another person as referred to in Article 18(1) or (c) or (d) ⊗ from the ⊗ requesting ⊗ Member State in which the application was lodged to the ⊗ responsible ⊗ Member State responsible shall be carried out in accordance with the national law of the ⊗ requesting ⊗ first Member State, after	

<p>consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken ☒ by another Member State to take charge or to take back the person concerned ☒ or of the ⇒ final ⇐ decision on an appeal or review where there is a suspensive effect ⇒ is granted in accordance with Article 26(3) ⇐.</p>	<p>the request by another Member State to take charge or to take back the person concerned or of the final decision on an appeal or review where a suspensive effect is granted in accordance with Article 26(3).</p>	<p>consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken ☒ by another Member State to take charge or to take back the person concerned ☒ or of the ⇒ final ⇐ decision on an appeal or review where there is ☐ there is ☐ a suspensive effect ☐ [...] ☐ ☐ in accordance with Article 26(3) ☐ ☐ [...] ☐ .</p>	
<p>If necessary, the asylum seeker shall be supplied by the requesting Member State with a <i>laissez passer</i> of the design adopted in accordance with the procedure referred to in Article <u>40(2)</u> 27(2).</p>	<p>If necessary, the asylum seeker shall be supplied by the requesting Member State with a <i>laissez passer</i> of the design adopted in accordance with the <i>regulatory</i> procedure referred to in <i>Article 41(2)</i>.</p>	<p>If necessary, the asylum seeker shall be supplied by the requesting Member State with a <i>laissez passer</i> of the design adopted in accordance with the procedure referred to in Article <u>40(2)</u> 27(2).</p>	<p>COMITOLOGY</p>
<p>The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the</p>	<p>The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the</p>	<p>The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the</p>	

asylum seeker ☒ person concerned ☒ or of the fact that he/she did not appear within the set time limit.	person concerned or of the fact that he/she did not appear within the set time limit.	asylum seeker ☒ person concerned ☒ or of the fact that he/she did not appear within the set time limit.	
<p>24 Where the transfer does not take place within the six months' time limit, ⇒ the Member State responsible shall be relieved of its obligations to take charge or to take back the person concerned and responsibility shall then be transferred to the requesting Member State ⇐ responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the asylum seeker ☒ person concerned ☒ or up to a maximum of eighteen months if the asylum seeker ☒ person</p>	<p>2. Where the transfer does not take place within the six months' time limit, the Member State responsible shall be relieved of its obligations to take charge or to take back the person concerned and responsibility shall then be transferred to the requesting Member State. <i>That</i> time limit may be extended up to a maximum of one year if the transfer could not be carried out due to <i>the</i> imprisonment of the person concerned or up to a maximum of 18 months if the person concerned absconds.</p>	<p>24 Where the transfer does not take place within the six months' time limit, ⇒ the Member State responsible shall be relieved of its obligations to take charge or to take back the person concerned and responsibility shall then be transferred to the requesting Member State ⇐ responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the asylum seeker ☒ person concerned ☒ or up to a maximum of eighteen months if the asylum seeker ☒ person</p>	

concerned ☒ absconds.		concerned ☒ absconds.	
3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.	3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.	3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.	
45 The Commission may adopt supplementary rules on carrying out transfers. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(3) 40(3).	4. The Commission may adopt supplementary rules on carrying out transfers. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 41(3).	45 ☞ [...] ☞ The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in Article 40(2). ☞	COMITOLOGY
Article 29	Article 29	Article 29	
Costs of transfers	Costs of transfers	Costs of transfers	
1. The costs necessary to	1. The costs necessary to	1. The costs necessary to	

transfer an applicant or another person as referred to in Article 18(1)(d) to the responsible Member State shall be met by the transferring Member State.	transfer an applicant or another person as referred to in Article 18(1)(d) to the responsible Member State shall be met by the transferring Member State.	transfer an applicant or another person as referred to in Article 18(1) ➡ (c) or ⬅ (d) to the responsible Member State shall be met by the transferring Member State.	
2. Where the person concerned has to be sent back to a Member State, as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal after the transfer has been carried out, the Member State which initially carried out the transfer shall be responsible for the costs of transferring the person concerned back to its territory.	2. Where the person concerned has to be sent back to a Member State as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal after the transfer has been carried out, the Member State which initially carried out the transfer shall be responsible for the costs of transferring the person concerned back to its territory.	2. Where the person concerned has to be sent back to a Member State, as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal after the transfer has been carried out, the Member State which initially carried out the transfer shall be responsible for the costs of transferring the person concerned back to its territory.	
3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.	3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.	3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.	
4. Supplementary rules relating to the obligation of the sending Member	4. Supplementary rules relating to the obligation of the <i>transferring</i>	4. ➡ [...] ⬅ ➡ The procedures for implementing this Article	COMITOLGY

State to meet the costs of transfers may be adopted in accordance with the procedure referred to in Article 40(2).	Member State to meet the costs of transfers may be adopted in accordance with the <i>regulatory</i> procedure referred to in Article 41(2).	shall be adopted in accordance with the procedure referred to in Article 40(2). ☹	
Article 30	Article 30	Article 30	
Exchange of relevant information before transfers being carried out	Exchange of relevant information before transfers are carried out	Exchange of relevant information before transfers being carried out	
1. In all cases of transfers, the transferring Member State shall inform the receiving Member State if the person concerned is fit for the transfer. Only persons who are fit for the transfer shall be transferred.	1. In all cases of transfers, the transferring Member State shall inform the receiving Member State if the person concerned is fit for the transfer. Only persons who are fit for the transfer shall be transferred.	☹ [...] ☹	
2. The Member State carrying out the transfer shall communicate to the responsible Member State such personal data concerning the applicant to be transferred as is appropriate, relevant and non-excessive for the sole purposes of ensuring that	2. The Member State carrying out the transfer shall communicate to the responsible Member State such personal data concerning the applicant to be transferred as is appropriate, relevant and non-excessive for the sole purposes of ensuring that	☹ [...] ☹ ☹ 1. ☹ The Member State carrying out the transfer shall ☹ [...] ☹ communicate to the responsible Member State such personal data concerning the ☹ [...] ☹ ☹ person ☹ to be transferred as is appropriate, relevant and	

<p>the competent asylum authorities in the responsible Member State are in a position to provide the applicant with adequate assistance, including the provision of necessary medical care, and to ensure continuity in the protection and rights afforded by this Regulation and by Directive [...] [laying down minimum standards for the reception of asylum seekers]. That information shall be communicated at an early stage and at the latest seven working days before a transfer is carried out, except when the Member State becomes aware of it at a later stage.</p>	<p>the competent asylum authorities in the responsible Member State are in a position to provide the applicant with adequate assistance, including the provision of necessary medical care, and to ensure continuity in the protection and rights afforded by this Regulation and by Directive [...] [laying down minimum standards for the reception of asylum seekers]. That information shall be communicated at an early stage and at the latest seven working days before a transfer is carried out, except when the Member State becomes aware of it at a later stage.</p>	<p>non-excessive for the sole purposes of ensuring that the competent [...] authorities [...] in accordance with national law [...] in the responsible Member State are in a position to provide the [...] person concerned [...] with adequate assistance, including the provision of [...] immediate health care required in order to protect the vital interest of the person concerned [...], and to ensure continuity in the protection and rights afforded by this Regulation and by [...] other relevant asylum legal instruments. [...] This information shall be communicated to the responsible Member State within a reasonable period of time before a transfer is carried out, in order to ensure that the competent authorities in accordance with national law in the responsible</p>	
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		Member State have sufficient time to take the measures required. ☐	
3. Member States shall in particular exchange the following information:	3. Member States shall in particular exchange the following information:	☐ [...] ☐ 2. The transferring ☐ Member ☐ [...] ☐ State ☐ shall ☐, insofar as such information is available to the competent authority in accordance with national law, transmit to the responsible Member State any information that it ☐ [...] ☐ is essential in order to safeguard the rights and immediate special needs of the person concerned, and ☐ in particular ☐ [...] ☐:	
(a) contact details of family members or of other relatives in the receiving Member State, where applicable;	(a) contact details of family members or of other relatives in the receiving Member State, where applicable;	☐ (a) any immediate measures the responsible Member State ☐ [...] ☐ is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including ☐ [...] ☐ any immediate	

		<u>health care that may be required;</u> ☹	
(b) in the case of minors, information in relation to their level of education;	(b) in the case of minors, information in relation to their level of education;	☹ [...] ☹ ☹ (b) ☹ contact details of family members ☹ <u>within</u> the meaning of Article 2(g) ☹ or of other relatives ☹ <u>or</u> relations ☹ ☹ [...] ☹ in the receiving Member State, where applicable;	
(c) information about the age of an applicant;	(c) information about the age of an applicant;	☹ [...] ☹ ☹ (c) ☹ in the case of minors, information in relation to their ☹ [...] ☹ education;	
(d) any other information that the sending Member State deems essential in order to safeguard the rights and special needs of the applicant concerned.	(d) any other information that the sending Member State deems essential in order to safeguard the rights and special needs of an applicant.	☹ [...] ☹ ☹ (d) ☹ information about the ☹ <u>assessment of</u> the ☹ age of an applicant.	

<p>4. For the sole purpose of the provision of care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons that have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall transmit information about any special needs of the applicant to be transferred, which in specific cases may include information about the state of the physical and mental health of the applicant to be transferred. The responsible Member State shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required.</p>	<p>4. For the sole purpose of the provision of care or treatment, in particular <i>with respect to</i> disabled persons, elderly people, pregnant women, minors and persons <i>who</i> have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall transmit information about any special needs of the applicant to be transferred, which in specific cases may include information about the physical and mental health of the applicant to be transferred. The responsible Member State shall ensure that those special needs are adequately <i>met</i>, including in particular any essential medical care that may be required.</p>	<p>➡ [...] ⌂</p>	
<p>5. Any information mentioned in paragraph 4</p>	<p>5. Any information mentioned in paragraph 4</p>		

<p>shall only be transmitted by the transferring Member State to the responsible Member State after the explicit consent of the applicant and/or of his representative has been obtained or when this is necessary to protect the vital interests of the individual or of another person where he/she is physically or legally incapable of giving his/her consent. Once the transfer has been completed, this information shall be deleted immediately by the transferring Member State.</p>	<p>shall only be transmitted by the transferring Member State to the responsible Member State after the <i>express</i> consent of the applicant and/or of his/<i>her</i> representative has been obtained or when necessary to protect the vital interests of the individual or of another person where he/she is physically or legally incapable of giving his/her consent. Once the transfer has been completed, <i>the</i> information shall be deleted immediately by the transferring Member State.</p>		
<p>6. The processing of personal health data shall only be carried out by a health professional subject under national law or rules established by national competent bodies to the obligation of professional secrecy or by another person subject to an equivalent obligation of secrecy. These health</p>	<p>6. The processing of personal health data shall only be carried out by a health professional subject under national law or rules established by national competent bodies to the obligation of <i>medical confidentiality</i> or by another person subject to an equivalent obligation of</p>		

out in paragraph 2 and 4 of this Article.	<i>paragraphs 2 and 4 of this Article.</i>		
8. With a view to facilitating the exchange of information between Member States, a standard form for transferring the data required pursuant to this Article shall be adopted in accordance with the procedure laid down in Article 40(2).	8. With a view to facilitating the exchange of information between Member States, a standard form for transferring the data required pursuant to this Article shall be adopted in accordance with the <i>regulatory</i> procedure laid down in <i>Article 41(2)</i> .	☞ [...] ☛	
		☞ 4. With a view to facilitating the exchange of information between Member States, a standard form for transferring the data required pursuant to this Article shall be adopted in accordance with the procedure laid down in Article 40(2).	
9. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article.	9. The rules laid down in <i>Article 33(8)</i> to (12) shall apply to the exchange of information pursuant to this Article.	5. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article. ☛	

	<i>Article 31</i>		
	<i>Method of carrying out transfers</i>		
	1. <i>The Member State carrying out a transfer shall promote voluntary transfers by providing adequate information to the applicant.</i>		
	2. <i>If transfers to the Member State responsible are carried out by supervised departure or under escort, Member States shall ensure that they are carried out in a humane manner and with full respect for fundamental rights and human dignity.</i>		
		➡ <u>Article 30 A</u> ➡ [...] ➡	
		➡ <u>Exchange of health data before transfer is being carried out</u> ➡	

		<p> [...] 1. For the sole purpose of the provision of <u>medical</u> care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons that have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall <u>, insofar as available to the competent authority in accordance with national law, transmit to the responsible Member State</u> information about any special needs of the <u>[...]</u> <u>person</u> to be transferred, which in specific cases may include information about the state of the physical and mental health of the <u>[...]</u> <u>person</u> to be transferred. <u>The information shall be transferred in a common</u> </p>	COMITOLOGY (partially)
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		health certificate with the necessary documents attached. This common health certificate shall be drawn up in accordance with the procedure referred to in Article 40(2). ☞ The responsible Member State shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required.	
		☞ [...] ☞ 2. ☞ Any information mentioned in paragraph ☞ [...] ☞ ☞ 1 ☞ shall only be transmitted by the transferring Member State to the responsible Member State after the explicit consent of the applicant and/or of ☞ [...] ☞ ☞ the person representing him/her ☞ has been obtained or when this is necessary to protect the vital interests of the individual or of another person where he/she is physically or	

		legally incapable of giving his/her consent. ➡ The lack of consent , including a refusal of consent, to transmitting any information referred to in paragraph 1 shall not be an obstacle to carrying out his/her transfer ➡ [...] ☹_☹ ➡ [...] ☹.	
		➡ [...] ☹	
		➡ [...] ☹ ➡ 3. ☹ The processing of personal health data ➡ referred to in paragraph 1 ☹ shall only be carried out by a health professional subject under national law or rules established by national competent bodies to the obligation of professional secrecy or by another person subject to an equivalent obligation of secrecy. ➡ [...] ☹	
		➡ [...] ☹ ➡ 4. ☹ The exchange of information under this Article shall only take place between the ➡ [...] ☹ ➡ health	

		professionals or other persons referred to in paragraph 3. [...] The information exchanged shall only be used for the purposes set out in paragraph [...] 1 of this Article and shall not be further processed.	
		[...]	
		[...] 5. [...] The procedures and practical arrangements for exchanging [...] the information referred to in paragraph 1, shall be adopted in accordance with the procedure laid down in Article 40(2).	
		[...]	
		[...] [...] 6. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article.	

<i>Section VII: Temporary suspension of transfers</i>	Section VII Temporary suspension of transfers	↻[...]	
<i>Article 31</i>	<i>Article 32</i> <i>Temporary suspension of transfers</i>	↻[...]	
1. When a Member State is faced with a particularly urgent situation which places an exceptionally heavy burden on its reception capacities, asylum system or infrastructure, and when the transfer of applicants for international protection in accordance with this Regulation to that Member State could add to that burden, that Member State may request that such transfers be suspended.	1. When a Member State is faced with a particularly urgent situation which places an exceptionally heavy burden on its reception capacities, asylum system or infrastructure, and when the transfer of applicants for international protection in accordance with this Regulation to that Member State could add to that burden, that Member State may request that such transfers be suspended.	↻[...]	
The request shall be addressed to the Commission. It shall indicate the grounds on which it is based and shall in particular include:	The request shall be addressed to the Commission. It shall indicate the grounds on which it is based and shall in particular include:		

<p>(a) a detailed description of the particularly urgent situation which places an exceptionally heavy burden on the requesting Member State's reception capacities, asylum system or infrastructure, including relevant statistics and supporting evidence;</p>	<p>(a) a detailed description of the particularly urgent situation which places an exceptionally heavy burden on the requesting Member State's reception capacities, asylum system or infrastructure, including relevant statistics and supporting evidence;</p>		
<p>(b) a substantiated forecast of the likely evolution of this situation in the short-term;</p>	<p>(b) a substantiated forecast of the likely evolution of <i>the</i> situation in the short-term;</p>		
<p>(c) a substantiated explanation of the further burden that the transfer of applicants for international protection in accordance with this Regulation could add to the</p>	<p>(c) a substantiated explanation of the further burden that the transfer of applicants for international protection in accordance with this Regulation could add to the</p>		

<p>requesting Member State's reception capacities, asylum system or infrastructure, including relevant statistics and other supporting evidence.</p>	<p>requesting Member State's reception capacities, asylum system or infrastructure, including relevant statistics and other supporting evidence.</p>		
<p>2. When the Commission considers that the circumstances prevailing in a Member State may lead to a level of protection for applicants for international protection which is not in conformity with Community legislation, in particular with Directive [...]/.../EC] laying down minimum standards for the reception of asylum seekers and with Directive 2005/85/EC, it may decide in conformity with the procedure laid down in paragraph 4, that all transfers of applicants in accordance with this Regulation to the Member State concerned be</p>	<p>2. When the Commission considers that the circumstances prevailing in a Member State may lead to a level of protection for applicants for international protection which is not in conformity with Community legislation, in particular with Directive .../.../EC [laying down minimum standards for the reception of asylum seekers], Directive 2005/85/EC and Directive 2004/83/EC, it may decide in <i>accordance</i> with the procedure laid down in paragraph 4 that all transfers of applicants in accordance with this Regulation to the Member</p>		

suspended.	State concerned be suspended.		
3. When a Member State is concerned that the circumstances prevailing in another Member State may lead to a level of protection for applicants for international protection which is not in conformity with Community legislation, in particular with Directive [...]/.../EC] laying down minimum standards for the reception of asylum seekers and with Directive 2005/85/EC, it may request that all transfers of applicants in accordance with this Regulation to the Member State concerned be suspended.	3. When a Member State is concerned that the circumstances prevailing in another Member State may lead to a level of protection for applicants for international protection which is not in conformity with Community legislation, in particular with Directive .../.../EC [laying down minimum standards for the reception of asylum seekers], Directive 2005/85/EC and Directive 2004/83/EC , it may request that all transfers of applicants in accordance with this Regulation to the Member State concerned be suspended.		
The request shall be addressed to the Commission. It shall indicate the grounds on which it is based and shall in particular include	<i>That</i> request shall be addressed to the Commission. It shall indicate the grounds on which it is based and shall in particular include		

<p>detailed information on the situation in the concerned Member State pointing to a possible lack of conformity with Community legislation, in particular Directive [...]/.../EC] laying down minimum standards for the reception of asylum seekers and Directive 2005/85/EC.</p>	<p>detailed information on the situation in the Member State <i>concerned</i>, <i>indicating</i> a possible lack of conformity with Community legislation, in particular Directive .../.../EC [laying down minimum standards for the reception of asylum seekers], Directive 2005/85/EC <i>and Directive 2004/83/EC</i>.</p>		
<p>4. Following the receipt of a request pursuant to paragraphs 1 or 3, or upon its own initiative pursuant to paragraph 2, the Commission may decide that all transfers of applicants in accordance with this Regulation to the Member State concerned be suspended. Such decision shall be taken as soon as possible and at the latest one month following the receipt of a request. The decision to suspend transfers shall state the reasons on which it is</p>	<p>4. Following the receipt of a request pursuant to paragraphs 1 or 3, or <i>on</i> its own initiative pursuant to paragraph 2, the Commission may decide that all transfers of applicants in accordance with this Regulation to the Member State concerned be suspended. Such decision shall be taken as soon as possible and at the latest one month following the receipt of a request. The decision to suspend transfers shall state the reasons on which it is</p>		

based and shall in particular include:	based and shall in particular include:		
(a) an examination of all the relevant circumstances prevailing in the Member State towards which transfers could be suspended;	(a) an examination of all the relevant circumstances prevailing in the Member State to which transfers could be suspended;		
(b) an examination of the potential impact of the suspension of transfers on the other Member States;	(b) an examination of the potential impact of the suspension of transfers on the other Member States;		
(c) the proposed date on which the suspension of transfers shall take effect;	(c) the proposed date on which the suspension of transfers <i>would</i> take effect;		
(d) any particular conditions attached to such suspension.	(d) any particular conditions attached to such suspension;		
	(e) <i>indicia of measures, benchmarks and timetables to be established in order to assess progress toward</i>		

	<i>resolution of the circumstances identified pursuant to point (a).</i>		
5. The Commission shall notify the Council and the Member States of the decision to suspend all transfers of applicants in accordance with this Regulation to the Member State concerned. Any Member State may refer the decision of the Commission to the Council within one month from the receipt of the notification. The Council, acting by qualified majority, may take a different decision in one month from the date of the referral by a Member State.	5. The Commission shall notify the Council and the Member States of the decision to suspend all transfers of applicants in accordance with this Regulation to the Member State concerned. Any Member State may refer the decision of the Commission to the Council within one month from the receipt of the notification. The Council, acting by qualified majority, may take a different decision in one month from the date of the referral by a Member State.		
6. Following the decision of the Commission to suspend transfers to a Member State, the other Member States in which the applicants whose transfers have been suspended are present, shall be responsible for	6. Following the decision of the Commission to suspend transfers to a Member State, the other Member States in which the applicants whose transfers have been suspended are present shall be responsible for		

examining the applications for international protection of those persons.	examining the applications for international protection of those persons.		
The decision to suspend transfers to a Member State shall take due account of the need to ensure the protection of minors and of family unity.	The decision to suspend transfers to a Member State shall take due account of the need to ensure the protection of minors and of family unity.		
7. A decision to suspend transfers to a Member State pursuant to paragraph 1 shall justify the granting of assistance for the emergency measures laid down in Article 5 of Decision No 573/2007/EC of the European Parliament and of the Council ⁴¹ , following a request for assistance from that Member State.	7. A decision to suspend transfers to a Member State pursuant to paragraph 1 shall justify the granting of assistance for the emergency measures laid down in Article 5 of Decision No 573/2007/EC of the European Parliament and of the Council ⁴² , following a request for assistance from that Member State.		
	8. <i>A Member State as referred to in paragraphs 1 to 3 shall take effective</i>		

⁴¹ OJ L 144, 6.6.2007, p.1.

⁴² OJ L 144, 6.6.2007, p. 1.

	<i>and timely steps to remedy the situation that led to the temporary suspension of transfers.</i>		
8. Transfers may be suspended for a period which cannot exceed six months. Where the grounds for the measures still persist after six months, the Commission may decide, upon a request from the Member State concerned referred to paragraph 1 or upon its own initiative, to extend their application for a further six months period. Paragraph 5 applies.	9. Transfers may be suspended for a period which <i>may not</i> exceed six months. Where the grounds for the measures still persist after six months, the Commission may decide, <i>on</i> a request from the Member State referred to <i>in</i> paragraph 1 or <i>on</i> its own initiative, to extend their application for a further six months period. <i>The provisions of paragraph 5 shall also be applicable.</i>		
9. Nothing in this Article shall be interpreted as allowing Member States to derogate from their general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of their obligations arising out of the Community legislation on asylum, in	10. Nothing in this Article shall be interpreted as allowing Member States to derogate from their general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of their obligations arising out of Community legislation on asylum, in particular this		

particular this Regulation, Directive [...]/.../EC] laying down minimum standards for the reception of asylum seekers, and Directive 2005/85/EC.	Regulation, Directive .../.../EC [laying down minimum standards for the reception of asylum seekers], and Directive 2005/85/EC.		
	<p>11. <i>On a proposal by the Commission to the European Parliament and the Council, and acting in accordance with the procedure referred to in Article 251 of the Treaty, instruments shall be enacted, binding on all Member States, in order to provide effective support to those Member States which are faced with specific and disproportionate pressures on their national systems due, in particular, to their geographical or demographic situation. Those instruments shall enter into force no later than 31 December 2011 and in any event make provision for the</i></p>		

	<i>following:</i>		
	<p>(a) <i>the secondment of officials from other Member States, under the aegis of the European Asylum Support Office, to assist those Member States which are faced with specific pressures and where the applicants cannot benefit from adequate standards of protection;</i></p>		
	<p>(b) <i>a scheme to reallocate beneficiaries of international protection from Member States which are faced with specific and disproportionate pressures to others, in consultation with the Office of the</i></p>		

	<p><i>United Nations High Commissioner for Refugees, while ensuring that the reallocation follows non-discretionary, transparent and unequivocal rules.</i></p>		
	<p><i>12. This Article shall cease to apply as soon as the instruments referred to in paragraph 11 have entered into force, and in any event on 31 December 2011 at the latest.</i></p>		
	<p><i>13. As part of the monitoring and evaluation referred to in Article 42, the Commission shall review the application of this Article and report to the European Parliament and the Council no later than 30 June 2011. In its report, the Commission shall assess whether there is a justified need to extend the application</i></p>		


	<i>of this Article beyond 31 December 2011. If the Commission considers it appropriate, it shall submit a proposal for such an extension to the European Parliament and the Council in accordance with the procedure laid down in Article 251 of the Treaty.</i>		
		<u>➔Article 31</u>	
		<u>➔A mechanism for ➔[...]</u> <u>early warning, ➔[...]</u> <u>preparedness and crisis</u> <u>management</u>	<u>EP Compromise</u>
		<u>➔ 1. Where, based in particular</u> <u>on the information</u> <u>gathered by EASO</u> <u>pursuant to ➔[...]</u> <u>Regulation (EU)</u> <u>439/2010 ➔[...]</u> <u>➔[...]</u> <u>the</u> <u>Commission establishes</u> <u>that the application of</u> <u>this Regulation may be</u> <u>jeopardised due to either</u> <u>the identification of a</u> <u>substantiated risk of</u>	1. Where, based in particular on the information gathered by EASO pursuant to Regulation (EU) 439/2010, the Commission establishes that the application of this Regulation may be jeopardised due to either the identification of a substantiated risk of particular pressure on a Member State's asylum system and/or because of

			<p>by EASO pursuant to Regulation (EU) 439/2010, the Commission establishes that the application of this Regulation may be jeopardised due to either the identification of a substantiated risk of particular pressure on a Member State's asylum system and/or because of problems in the functioning of the asylum system of a Member State, the Commission, in cooperation with EASO, shall make recommendations to that Member State inviting it to draw up a preventive action plan. The Member State concerned shall inform the Council and the Commission whether it intends to present a preventive action plan in order to overcome the pressure and/or problems in the functioning of its asylum system whilst ensuring the protection of the fundamental rights of applicants for international protection.</p>
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		<p>➡ A Member State may upon its own discretion and initiative draw up a preventive action plan and subsequent revisions thereof ➡ [...] ◯</p> <p>➡ [...] ◯ When drawing up a preventive action plan, the Member State may call for the assistance of the Commission</p> <p>➡ [...] ◯ other Member States, EASO and other relevant EU agencies. ◯</p>	<p>A Member State may, upon its own discretion and initiative, draw up a preventive action plan and subsequent revisions thereof. When drawing up a preventive action plan, the Member State may call for the assistance of the Commission, other Member States, EASO and other relevant EU agencies.</p> <p><u>Council draft compromise</u></p> <p>A Member State may, upon its own discretion and initiative, draw up a preventive action plan and subsequent revisions thereof. When drawing up a preventive action plan, the Member State may call for the assistance of the Commission, other Member States, EASO and other relevant EU agencies.</p>
		<p>➡ 2. a) Where a preventive action plan is drawn up, the Member</p>	<p>2. a) Where a preventive action plan is drawn up, the Member State</p>

		<p>State concerned shall submit it as well as regular reports on its implementation to [...] the Council and to the Commission which, where [...] necessary, [...] shall submit reports on its implementation to the Council. </p>	<p>concerned shall submit it as well as regular reports on its implementation, to the Council, and to the Commission. Commission shall consequently inform the European Parliament on the key elements of the preventive action plan. The Commission shall transmit reports on its implementation to the Council and the European Parliament.</p> <p><u>Council draft compromise</u></p> <p>2. a) Where a preventive action plan is drawn up, the Member State concerned shall submit it as well as regular reports on its implementation, to the Council, and to the Commission. The Commission shall also submit transmit reports on its implementation to the</p>
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			Council and the European Parliament.
		<p>➡ b) Where a preventive action plan is drawn up, the Member State concerned shall take all appropriate measures to deal with the situation of particular pressure or to ensure that the deficiencies identified are addressed before the situation deteriorates. Where a preventive action plan includes measures aimed at addressing particular pressure on a Member State's asylum system which may jeopardise the application of this Regulation, the Commission shall seek the advice of EASO before reporting to the</p>	<p>b) Where a preventive action plan is drawn up, the Member State concerned shall take all appropriate measures to deal with the situation of particular pressure or to ensure that the deficiencies identified are addressed before the situation deteriorates. Where a preventive action plan includes measures aimed at addressing particular pressure on a Member State's asylum system which may jeopardise the application of this Regulation, the Commission shall seek the advice of EASO before reporting to the Council and the European Parliament.</p>

		Council. 	<p><u>Council draft compromise</u></p> <p>b) Where a preventive action plan is drawn up, the Member State concerned shall take all appropriate measures to deal with the situation of particular pressure or to ensure that the deficiencies identified are addressed before the situation deteriorates. Where a preventive action plan includes measures aimed at addressing particular pressure on a Member State's asylum system which may jeopardise the application of this Regulation, the Commission shall seek the advice of EASO before reporting to the Council and the European Parliament.</p>
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		<p> [...] Where the Commission establishes on the basis of EASO's analysis that the implementation of the preventive action plan [...] has not remedied the deficiencies identified or where there is a serious risk that the asylum situation in that Member State develops into a crisis, which is unlikely to be remedied by a preventive action plan, the Commission, in cooperation with EASO as applicable, [...] may request the Member State concerned to elaborate [...] </p>	<p> c) Where the Commission establishes, on the basis of EASO's analysis, that the implementation of the preventive action plan has not remedied the deficiencies identified or where there is a serious risk that the asylum situation in that Member State develops into a crisis, which is unlikely to be remedied by a preventive action plan, the Commission, in cooperation with EASO as applicable, may request the Member State concerned to elaborate a crisis management action plan and, where necessary, revisions thereof. The crisis management action plan shall ensure, </p>
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		<p>throughout the process, compliance with the EU asylum acquis, in particular with fundamental rights of the applicants for international protection and Article 26 of this Regulation by containing explicit measures to that effect.</p>
		<p>Council draft compromise</p> <p>c) Where the Commission establishes, on the basis of EASO's analysis, that the implementation of the preventive action plan has not remedied the deficiencies identified or where there is a serious risk that the asylum situation in that Member State develops into a crisis, which is unlikely to</p>

			<p>be remedied by a preventive action plan, the Commission, in cooperation with EASO as applicable, may request the Member State concerned to elaborate a crisis management action plan and, where necessary, revisions thereof. The crisis management action plan shall ensure, throughout the process, compliance with the EU asylum acquis, in particular with fundamental rights of the applicants for international protection.</p>
		<p>➡ 3. a) ➡ [...] ⚙</p> <p>Following the ➡ [...] ⚙ ➡ [...] ⚙ request to elaborate on a crisis management action plan ➡ [...] ⚙, the Member State</p>	<p>3. a) Following the request to elaborate on a crisis management action plan, the Member State concerned shall, in cooperation with the Commission and</p>

		<p>concerned shall, in cooperation with the Commission and EASO, elaborate such a plan</p> <p>➡ [...] Ⓢ</p> <p>➡ [...] Ⓢ</p>	<p>EASO, elaborate such a plan promptly, and at the latest within 3 months from the date of the request.</p> <p><u>Council draft compromise</u></p> <p>3. a) Following the request to elaborate on a crisis management action plan, the Member State concerned shall, in cooperation with the Commission and EASO, elaborate such a plan promptly, and at the latest within 3 months from the date of the request.</p>
		<p>➡ b) Where a crisis management action plan is drawn up, ➡ [...] Ⓢ the Member State concerned shall submit ➡ [...] Ⓢ this plan and, at least every three months, report ➡ [...] Ⓢ on its</p>	<p>b) Where a crisis management action plan is drawn up, the Member State concerned shall submit this plan and, at least every three months, reports on its implementation to the Commission and other relevant</p>

		<p> [...] implementation [...] to the [...] Commission and other relevant stakeholders, such as EASO as appropriate [...] The [...] Commission shall inform the Council and the European Parliament [...] on the crisis management action plan, possible revisions, and the [...] implementation thereof [...] ! [...] ! [...] ! </p>	<p> stakeholders, such as EASO, as appropriate. The Commission shall inform the Council and the European Parliament on the crisis management action plan, possible revisions, and the implementation thereof. In these reports, the Member State concerned shall report on data to monitor this compliance, such as the length of the procedure, the detention conditions and the reception capacity in relation to the inflow of asylum seekers. </p> <p><u>Council draft compromise</u></p> <p> b) Where a crisis management action plan is drawn up, the Member State concerned shall submit this plan and, </p>
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			<p>at least every three months, reports on its implementation to the Commission and other relevant stakeholders, such as EASO, as appropriate. The Commission shall inform the Council and the European Parliament on the crisis management action plan, possible revisions, and the implementation thereof.</p>
		<p>➡ 4. Throughout the entire process, the ➡ [...] ⬅ Council will closely monitor ➡ [...] ⬅ the situation and may request further information and provide political guidance ➡ [...] ⬅ , in particular as regards the urgency and severity of the situation and thus, the need for a Member State to draw up either a preventive action plan or, if necessary, a crisis management action plan.</p>	<p>4. Throughout the entire process, the Council shall closely monitor the situation and may request further information and provide political guidance, in particular as regards the urgency and severity of the situation and thus, the need for a Member State to draw up either a preventive action plan or, if necessary, a crisis management action plan. The Council and the European Parliament may throughout the entire</p>

		<p>The Council may throughout the entire process discuss and provide guidance [...] on any measures of solidarity as it deems appropriate.</p>	<p>process discuss and provide guidance on any measures of solidarity as they deem appropriate.</p> <p>Council draft compromise</p> <p>4. Throughout the entire process, the Council shall closely monitor the situation and may request further information and provide political guidance, in particular as regards the urgency and severity of the situation and thus, the need for a Member State to draw up either a preventive action plan or, if necessary, a crisis management action plan. The Council and the European Parliament may throughout the entire process discuss and provide guidance on any measures of solidarity as they deem appropriate.</p>
CHAPTER IV <u>VII</u>	CHAPTER VII	CHAPTER IV <u>VII</u>	
ADMINISTRATIVE COOPERATION	ADMINISTRATIVE COOPERATION	ADMINISTRATIVE COOPERATION	

<i>Article 2432</i>	<i>Article 33</i>	<i>Article 2432</i>	
<i>☒ Information sharing ☒</i>	Information sharing	<i>☒ Information sharing ☒</i>	
1. Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:	1. Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:	1. Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:	
(a) the determination of the Member State responsible for examining the application for asylum ⇒ international protection; ⇐	(a) the determination of the Member State responsible for examining the application for international protection;	(a) the determination of the Member State responsible for examining the application for asylum ⇒ international protection; ⇐	
(b) examining the application for asylum ⇒ international protection ⇐	(b) examining the application for international protection;	(b) examining the application for asylum ⇒ international protection; ⇐	
(c) implementing any obligation arising under this	(c) implementing any obligation arising under this	(c) implementing any obligation arising under this	

Regulation.	Regulation.	Regulation.	
2. The information referred to in paragraph 1 may only cover:	2. The information referred to in paragraph 1 may only cover:	2. The information referred to in paragraph 1 may only cover:	
(a) personal details of the applicant, and, where appropriate, the members of his family (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);	(a) <i>the</i> personal details of the applicant, and, where appropriate, the members of his/ <i>her</i> family (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);	(a) personal details of the applicant, and, where appropriate, the members of his family <u>☞ within the meaning of Article 2(g), or other relatives or relations,</u> <u>☞ [...] ☞ ☞</u> (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);	
(b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);	(b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);	(b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);	
(c) other information necessary for establishing the	(c) other information necessary for establishing the	(c) other information necessary for establishing the	

<p>identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No <u>2725/2000</u> [...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] <[X];</p>	<p>identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No <u> .../... </u> [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of Regulation (EC) No .../... establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person];</p>	<p>identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No <u>2725/2000</u> [...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] <[X];</p>	
<p>(d) places of residence and routes travelled;</p>	<p>(d) places of residence and routes travelled;</p>	<p>(d) places of residence and routes travelled;</p>	

(e) residence documents or visas issued by a Member State;	(e) residence documents or visas issued by a Member State;	(e) residence documents or visas issued by a Member State;	
(f) the place where the application was lodged;	(f) the place where the application was lodged;	(f) the place where the application was lodged;	
(g) the date any previous application for asylum ⇒ international protection ⇐ was lodged, the date the present application was lodged, the stage reached in the proceedings and the decision taken, if any.	(g) the date <i>on which</i> any previous application for international protection was lodged, the date <i>on which</i> the application was lodged, the stage reached in the proceedings and the decision taken, if any.	(g) the date any previous application for asylum ⇒ international protection ⇐ was lodged, the date the present application was lodged, the stage reached in the proceedings and the decision taken, if any.	
3. Furthermore, provided it is necessary for the examination of the application for asylum ⇒ international protection ⇐, the Member State responsible may request another Member State to let it know on what grounds	3. Furthermore, provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the asylum	3. Furthermore, provided it is necessary for the examination of the application for asylum ⇒ international protection ⇐, the Member State responsible may request another Member State to let it know on what grounds	

<p>the asylum seeker bases his application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for asylum ⇒ international protection, obtained by the requested Member State ⇐. ☒ In this case, the applicant must know for what information he/she is giving his/her approval. ☒</p>	<p>seeker bases his/her application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member State may refuse to respond to the request submitted to it, if the communication of such information <i>would be</i> likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for international protection obtained by the requested Member State. In <i>such a</i> case, the applicant must know for what information he/she is giving his/her approval.</p>	<p>the asylum seeker bases his application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for asylum ⇒ international protection, obtained by the ☞ [...] ☛ requesting ☛ Member State ⇐. ☒ In this case, the applicant must know for what information he/she is giving his/her approval. ☒</p>	
<p>4. Any request for information shall ⇒ only</p>	<p>4. Any request for information shall be</p>	<p>4. Any request for information shall ⇒ only</p>	




<p>be sent in the context of an individual application for international protection. It shall ⇨ set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means asylum seekers enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. It is understood that such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to the</p>	<p>sent <i>only</i> in the context of an individual application for international protection. It shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means <i>by which</i> asylum seekers enter the <i>territory</i> of the Member States, or on what specific and verifiable part of the applicant's statements it is based. It is understood that such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to the</p>	<p>be sent in the context of an individual application for international protection. It shall ⇨ set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means asylum seekers enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. It is understood that such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to the</p>	
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individual asylum seeker.	individual asylum seeker.	individual asylum seeker.	
<p>5. The requested Member State shall be obliged to reply within six ⇒ four ⇐ weeks.⇒ Any delays in the reply shall be duly justified. If the research carried out by the requested Member State which did not respect the maximum time-limit, yield information which shows that it is responsible, that Member State may not invoke the expiry of the time-limit provided for in Articles 21 and 23 as a reason for refusing to comply with a request to take charge or take back. ⇐</p>	<p>5. The requested Member State shall reply within four weeks. Any delays in the reply shall be duly justified. If the research carried out by the requested Member State which did not respect the maximum time-limit yields information which shows that it is responsible, that Member State may not invoke the expiry of the time-limit provided for in Articles 21 and 23 as a reason for refusing to comply with a request to take charge or take back.</p>	<p>5. The requested Member State shall be obliged to reply within six ➡ [...] ⌚ ➡ five ⌚ weeks.⇒ Any delays in the reply shall be duly justified. ➡ <u>Non-compliance with the</u> ➡ [...] ⌚ <u>five week time limit does not relieve the requested Member State of the obligation to reply.</u> ⌚ If the research carried out by the requested Member State which did not respect the maximum time-limit, yield information which shows that it is responsible, that Member State may not invoke the expiry of the time-limit provided for in Articles 21 and 23 as a reason for refusing to comply with a request to take charge or take back. ⇐ ➡ <u>In that case, the time-limits provided for in Articles 21 and 23 for submitting a request to take charge or take back shall be extended with a period of</u></p>	

		<u>time which shall be equivalent to the delay in the reply by the requested Member State.</u> ©	
6. The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission ⇨ in accordance with Article 33(1) ⇐ which shall inform the other Member States thereof.	6. The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission in accordance with <i>Article 34(1)</i> .	6. The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission ⇨ in accordance with Article 33(1) ⇐ which shall inform the other Member States thereof.	
7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with:	7. The information exchanged may be used <i>only</i> for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the <i>receiving</i> authority, be communicated <i>only</i> to the authorities and courts and tribunals entrusted with:	7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with:	

(a) the determination of the Member State responsible for examining the application for asylum ⇒ international protection; ⇐	(a) the determination of the Member State responsible for examining the application for international protection;	(a) the determination of the Member State responsible for examining the application for asylum ⇒ international protection; ⇐	
(b) examining the application for asylum ⇒ international protection; ⇐	(b) examining the application for international protection;	(b) examining the application for asylum ⇒ international protection; ⇐	
(c) implementing any obligation arising under this Regulation.	(c) implementing any obligation arising under this Regulation.	(c) implementing any obligation arising under this Regulation.	
8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall	8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the <i>receiving</i> Member States shall be informed thereof immediately. They shall	8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall	

be obliged to correct such information or to have it erased.	be obliged to correct such information or to have it erased.	be obliged to correct such information or to have it erased.	
9. The asylum seeker shall have the right to be informed, on request, of any data that is processed concerning him/ <u>her</u> .	9. The asylum seeker shall have the right to be informed, on request, of any data that <i>are</i> processed concerning him/her.	9. The asylum seeker shall have the right to be informed, on request, of any data that is processed concerning him/ <u>her</u> .	
If he finds that this information has been processed in breach of this Regulation or of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (8), in particular because it is incomplete or inaccurate, he is entitled to have it corrected, <input checked="" type="checkbox"/> or <input type="checkbox"/> erased or blocked .	If he/ <i>she</i> finds that <i>the data have</i> been processed in breach of this Regulation or of Directive 95/46/EC, in particular because it is incomplete or inaccurate, he/ <i>she</i> is entitled to have it corrected or erased.	If he finds that this information has been processed in breach of this Regulation or of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (8), in particular because it is incomplete or inaccurate, he is entitled to have it corrected, <input checked="" type="checkbox"/> or <input type="checkbox"/> erased. or blocked .	
The authority correcting, <input checked="" type="checkbox"/> or <input type="checkbox"/> erasing or blocking the data shall inform, as appropriate,	The authority correcting or erasing the data shall inform, as appropriate, the Member State	The authority correcting, <input checked="" type="checkbox"/> or <input type="checkbox"/> erasing or blocking the data shall inform, as appropriate,	

the Member State transmitting or receiving the information.	transmitting or receiving the information.	the Member State transmitting or receiving the information.	
The asylum seeker shall have the right to bring an action or a complaint before the competent authorities or courts of the Member State which refused the right of access to or the right of correction or deletion of data relating to him/her.	The asylum seeker shall have the right to bring an action or a complaint before the competent authorities or courts of the Member State which refused the right of access to or the right of correction or deletion of data relating to him/her.	The asylum seeker shall have the right to bring an action or a complaint before the competent authorities or courts of the Member State which refused the right of access to or the right of correction or  [...]  erasure  of data relating to him/her.	
10. In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.	10. In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.	10. In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.	
11. The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which it is exchanged.	11. The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which <i>they</i> are exchanged.	11. The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which it is exchanged.	

12. Where the data is not processed automatically or is not contained, or intended to be entered, in a file, each Member State should ⇒ shall ⇐ take appropriate measures to ensure compliance with this Article through effective checks.	12. Where the data <i>are</i> not processed automatically or <i>are</i> not contained, or intended to be entered, in a file, each Member State shall take appropriate measures to ensure compliance with this Article through effective checks.	12. Where the data is not processed automatically or is not contained, or intended to be entered, in a file, each Member State should ⇒ shall ⇐ take appropriate measures to ensure compliance with this Article through effective checks.	
<i>Article 2233</i>	<i>Article 34</i>	<i>Article 2233</i>	
⊠ Competent authorities and resources ⊠	Competent authorities and resources	⊠ Competent authorities and resources ⊠	
1. ⊠ Each ⊠ Member States shall notify the Commission ⇒ without delay ⇐ of the ⇒ specific ⇐ authorities responsible for fulfilling the obligations arising under this Regulation ⇒, and any amendments thereto. ⇐ ⊠ They ⊠ and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for	1. Each Member State shall notify the Commission without delay <i>of</i> the specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments <i>hereto</i> . They shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information,	1. ⊠ Each ⊠ Member States shall notify the Commission ⇒ without delay ⇐ of the ⇒ specific ⇐ authorities responsible for fulfilling the obligations arising under this Regulation ⇒, and any amendments thereto. ⇐ ⊠ They ⊠ and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for	

replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.	requests to take charge of and requests to take back asylum seekers.	replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.	
2. The Commission shall publish a consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an updated consolidated list.	2. The Commission shall publish a consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an updated consolidated list.	2. The Commission shall publish a consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an updated consolidated list.	
3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.	3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.	3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.	
24. Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests ⇨, replies and all written	4. Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests, replies and all	24. Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests ⇨, replies and all written	

correspondence ⇐ and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in Article 40(2)27(2) .	written correspondence and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the <i>regulatory</i> procedure referred to in <i>Article 41(2)</i> .	correspondence ⇐ and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in Article 40(2)27(2) .	
Article 23 34	Article 35	Article 23 34	
⊗ Administrative arrangements ⊗	Administrative arrangements	⊗ Administrative arrangements ⊗	
1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details of the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:	1. Member States may, on a bilateral basis, establish administrative arrangements between <i>each other</i> concerning the practical details of the implementation of this Regulation in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:	1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details of the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:	
(a) exchanges of liaison officers;	(a) exchanges of liaison officers;	(a) exchanges of liaison officers;	

(b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back asylum seekers;	(b) simplification of the procedures and shortening of the time limits relating to <i>the</i> transmission and the examination of requests to take charge of or take back asylum seekers.	(b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back asylum seekers;	
		<p>➡ 2. Member States may also maintain the administrative arrangements concluded under Regulation (EC) No 343/2003. To the extent that such arrangements are not compatible with this Regulation, the Member States concerned shall amend the arrangements in such a way as to eliminate ➡ [...] ⬅ any incompatibilities ➡ [...] ⬅ observed. ⬅</p>	
		<p>➡ 3. Before concluding or amending any arrangement referred to in paragraph 1(b), the Member States concerned</p>	

		shall consult the Commission as to the compatibility of the arrangement with this Regulation. ◐	
		<p>⇒ [...] ◐ ⇒ 4. If the Commission considers the arrangements referred to in paragraph 1(b) to be incompatible with this Regulation, it shall, within a reasonable period, notify the Member States concerned. The Member States shall take all appropriate steps to amend the arrangement concerned within a reasonable period in such a way as to eliminate</p> <p>⇒ [...] ◐ any incompatibilities</p> <p>⇒ [...] ◐ observed. ◐</p>	
2. The arrangements referred to in paragraph 1 shall be communicated to the Commission. The Commission shall ⇒ approve ⇐ verify that the arrangements referred to in paragraph 1(b), ☒ after it has	2. The arrangements referred to in paragraph 1 shall be communicated to the Commission. The Commission shall approve the arrangements referred to in paragraph 1(b), after it has verified that they do not infringe	⇒ 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto. ◐	

verified that they <input checked="" type="checkbox"/> do not infringe this Regulation.	this Regulation.		
<input checked="" type="checkbox"/> CHAPTER VIII <input checked="" type="checkbox"/>	CHAPTER VIII	<input checked="" type="checkbox"/> CHAPTER VIII <input checked="" type="checkbox"/>	
<i>Conciliation</i>	Conciliation	<i>Conciliation</i>	
<u>Article 1435</u>	<i>Article 36</i>	<u>Article 1435</u>	
<input checked="" type="checkbox"/> Conciliation <input checked="" type="checkbox"/>	Conciliation	<input checked="" type="checkbox"/> Conciliation <input checked="" type="checkbox"/>	
1. Where the Member States cannot resolve a dispute; either on the need to carry out a transfer or to bring relatives together on the basis of Article 15 of Regulation (EC) No 343/2003, or on the Member State in which the person concerned should be reunited, ⇨ on any matter related to the application of this Regulation, ⇨ they may have recourse to the conciliation procedure provided for in paragraph 2 <u>of this Article</u> .	1. Where the Member States cannot resolve a dispute on any matter related to the application of this Regulation, they may have recourse to the conciliation procedure provided for in paragraph 2.	1. Where the Member States cannot resolve a dispute; either on the need to carry out a transfer or to bring relatives together on the basis of Article 15 of Regulation (EC) No 343/2003, or on the Member State in which the person concerned should be reunited, ⇨ on any matter related to the application of this Regulation, ⇨ they may have recourse to the conciliation procedure provided for in paragraph 2 <u>of this Article</u> .	

2. The conciliation procedure shall be initiated by a request from one of the Member States in dispute to the Chairman of the Committee set up by Article 2740 of Regulation (EC) No 243/2002 . By agreeing to use the conciliation procedure, the Member States concerned undertake to take the utmost account of the solution proposed.	2. The conciliation procedure shall be initiated by a request from one of the Member States in dispute to the Chairman of the Committee set up by <i>Article 41</i> . By agreeing to use the conciliation procedure, the Member States concerned <i>commit themselves to taking</i> the utmost account of the solution proposed.	2. The conciliation procedure shall be initiated by a request from one of the Member States in dispute to the Chairman of the Committee set up by Article 2740 of Regulation (EC) No 243/2002 . By agreeing to use the conciliation procedure, the Member States concerned undertake to take the utmost account of the solution proposed.	
The Chairman of the Committee shall appoint three members of the Committee representing three Member States not connected with the matter. They shall receive the arguments of the parties either in writing or orally and, after deliberation, shall propose a solution within one month, where necessary after a vote.	The Chairman of the Committee shall appoint three members of the Committee representing three Member States not connected with the matter. They shall receive the arguments of the parties either in writing or orally and, after deliberation, shall propose a solution within one month, where necessary after a vote.	The Chairman of the Committee shall appoint three members of the Committee representing three Member States not connected with the matter. They shall receive the arguments of the parties either in writing or orally and, after deliberation, shall propose a solution within one month, where necessary after a vote.	
The Chairman of the	The <i>Chair</i> of the	The Chairman of the	

Committee, or his deputy, shall chair the discussion. He may put forward his point of view but he may not vote.	Committee, or his/her deputy, shall chair the discussion. He/she may put forward his point of view but he/she may not vote.	Committee, or his deputy, shall chair the discussion. He may put forward his point of view but he may not vote.	
Whether it is adopted or rejected by the parties, the solution proposed shall be final and irrevocable.	Whether it is adopted or rejected by the parties, the solution proposed shall be final and irrevocable.	Whether it is adopted or rejected by the parties, the solution proposed shall be final and irrevocable.	
<i>CHAPTER VIII</i>	CHAPTER IX	<i>CHAPTER VIII</i>	
<i>TRANSITIONAL PROVISIONS AND FINAL PROVISIONS</i>	TRANSITIONAL PROVISIONS AND FINAL PROVISIONS	<i>TRANSITIONAL PROVISIONS AND FINAL PROVISIONS</i>	
		➡ <i>Article 35 A</i> ➡ [...] Ⓒ	
		<i>Data security and data protection</i>	
		Member States shall take all appropriate measures to ensure the security of transmitted personal data ➡ [...] Ⓒ and in particular to avoid unlawful or unauthorized access or disclosure, alteration or loss of personal data processed.	

		<u>Each Member State shall provide that the national supervisory authority or authorities designated pursuant to Article 28(1) of Directive 95/46/EC shall monitor independently, in accordance with its respective national law, the lawfulness of the processing, in accordance with this Regulation, of personal data by the Member State in question.</u>	
		<u>Article 35 B</u> ➡ [...] ⬅	
		<u>Confidentiality</u>	
		<u>Member States shall ensure that the authorities referred to in Article 33 are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.</u> ⬅	
<u>Article 36</u>	<i>Article 37</i>	<u>Article 36</u>	
<u>Penalties</u>	Penalties	<u>Penalties</u>	
<u>Member States shall take the necessary measures to ensure that</u>	<u>Member States shall take the necessary measures to ensure that</u>	<u>Member States shall take the necessary measures to ensure that</u>	

any misuse of data processed in accordance with this Regulation is punishable by penalties, including administrative and/or criminal penalties in accordance with national law, that are effective, proportionate and dissuasive.	any misuse of data processed in accordance with this Regulation is punishable by penalties, including administrative and/or criminal penalties in accordance with national law, that are effective, proportionate and dissuasive.	any misuse of data processed in accordance with this Regulation is punishable by penalties, including administrative and/or criminal penalties in accordance with national law, that are effective, proportionate and dissuasive.	
<i>Article 2437</i>	<i>Article 38</i>	<i>Article 2437</i>	
<i>⊠ Transitional measures ⊠</i>	Transitional measures	<i>⊠ Transitional measures ⊠</i>	
1. This Regulation shall replace the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (Dublin Convention).		1. This Regulation shall replace the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (Dublin Convention).	
2. However, to ensure continuity of the arrangements for determining the Member State responsible for an application for asylum, <u>20</u>Where an application has been lodged after the date mentioned in the second paragraph of Article 2044, the events that are likely to entail the responsibility of a Member State under this Regulation shall be	Where an application has been lodged after the date mentioned in the second paragraph of <i>Article 45</i> , the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date, with the exception of the events mentioned in Article 14(2).	2. However, to ensure continuity of the arrangements for determining the Member State responsible for an application for asylum, <u>20</u>Where an application has been lodged after the date mentioned in the second paragraph of Article 2044, the events that are likely to entail the responsibility of a Member State under this Regulation shall be	

taken into consideration, even if they precede that date, with the exception of the events mentioned in Article <u>14(2)</u> 10(2)		taken into consideration, even if they precede that date, with the exception of the events mentioned in Article <u>14(2)</u> 10(2)	
3. Where, in Regulation (EC) No 2725/2000 reference is made to the Dublin Convention, such reference shall be taken to be a reference made to this Regulation.		3. Where, in Regulation (EC) No 2725/2000 reference is made to the Dublin Convention, such reference shall be taken to be a reference made to this Regulation.	
Article 25 <u>38</u>	Article 39	Article 25 <u>38</u>	
<input checked="" type="checkbox"/> Calculation of time-limits <input checked="" type="checkbox"/>	Calculation of time limits	<input checked="" type="checkbox"/> Calculation of time-limits <input checked="" type="checkbox"/>	
1 Any period of time prescribed in this Regulation shall be calculated as follows:	Any period of time prescribed in this Regulation shall be calculated as follows:	1 Any period of time prescribed in this Regulation shall be calculated as follows:	
(a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	(a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	(a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	
(b) a period expressed in	(b) a period expressed in	(b) a period expressed in	

weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	
(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	
2. Requests and replies shall be sent using any method that provides proof of receipt.		2. Requests and replies shall be sent using any method that provides proof of receipt.	
<i>Article 2639</i>	<i>Article 40</i>	<i>Article 2639</i>	
✧ Territorial scope ✧	Territorial scope	✧ Territorial scope ✧	

As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	
<i>Article 2740</i>	<i>Article 41</i>	<i>Article 2740</i>	
<i>⌘ Committee ⌘</i>	Committee	<i>⌘ Committee ⌘</i>	
1. The Commission shall be assisted by a committee.	1. The Commission shall be assisted by a committee.	1. The Commission shall be assisted by a committee. ⤷ That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. ⤸	COMITOLGY
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.	2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, <i>having regard to the provisions of Article 8 thereof.</i>	2. Where reference is made to this paragraph, Article 5 ⤷ of Regulation (EU) No 182/2011 ⤸ ⤷ [...] ⤸ shall apply.	COMITOLGY
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.	The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.	⤷ [...] ⤸	
3. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7	3. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7	⤷ [...] ⤸	

of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.	of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.		
<i>Article 2841</i>	<i>Article 42</i>	<i>Article 2841</i>	
☒ <i>Monitoring and evaluation</i> ☒	Monitoring and evaluation	☒ <i>Monitoring and evaluation</i> ☒	
At the latest three years after the date mentioned in the first paragraph of Article 44 29 , the Commission shall report to the European Parliament and the Council on the application of this Regulation and, where appropriate, shall propose the necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.	At the latest three years after the date mentioned in the first paragraph of <i>Article 45</i> , <i>and without prejudice to Article 32(13)</i> , the Commission shall report to the European Parliament and the Council on the application of this Regulation and, where appropriate, shall propose <i>any</i> necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.	At the latest three years after the date mentioned in the first paragraph of Article 44 29 , the Commission shall report to the European Parliament and the Council on the application of this Regulation and, where appropriate, shall propose the necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.	
☒ After ☒ the having submitted that report, the Commission shall report to the European Parliament and the Council on the application of this Regulation at the same time as it submits reports on the implementation of the Eurodac	After having submitted that report, the Commission shall report to the European Parliament and the Council on the application of this Regulation at the same time as it submits reports on the implementation of the <i>Eurodac</i>	☒ After ☒ the having submitted that report, the Commission shall report to the European Parliament and the Council on the application of this Regulation at the same time as it submits reports on the implementation of the Eurodac	

system provided for by Article 4(5) 28 of Regulation (EC) No 2725/2000 [...] ☒ [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] ☒ .	system provided for by Article 28 of Regulation (EC) No .../... [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of Regulation (EC) No .../... establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person].	system provided for by Article 4(5) 28 of Regulation (EC) No 2725/2000 [...] ☒ [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] ☒.	
Article 42	Article 43	Article 42	
Statistics	Statistics	Statistics	
In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council ⁴³ , Member States shall communicate to the Commission (Eurostat), statistics concerning the application this Regulation and of Regulation (EC) No 1560/2003.	In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection ⁴⁴ , Member States shall communicate to the Commission (Eurostat), statistics concerning the application this Regulation and of	In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council, Member States shall communicate to the Commission (Eurostat), statistics concerning the application this Regulation and of Regulation (EC) No 1560/2003.	

⁴³ OJ L 199, 31.7.2007, p.23.

⁴⁴ OJ L 199, 31.7.2007, p. 23.

	Regulation (EC) No 1560/2003.		
<i>Article 43 Repeal</i>	<i>Article 44 Repeal</i>	<i>Article 43 Repeal</i>	
Regulation (EC) 343/2003 is repealed.	Regulation (EC) 343/2003 is <i>hereby</i> repealed.	Regulation (EC) 343/2003 is repealed.	
Articles 11(1), 13, 14 and 17 of Commission Regulation (EC) No 1560/2003 are repealed.	Articles 11(1), 13, 14 and 17 of Regulation (EC) No 1560/2003 are <i>hereby</i> repealed.	Articles 11(1), 13, 14 and 17 of Commission Regulation (EC) No 1560/2003 are repealed.	
References to the repealed Regulation or Articles shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.	References to the repealed Regulation or Articles shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.	References to the repealed Regulation or Articles shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.	
<i>Article 2944</i>	<i>Article 45</i>	<i>Article 2944</i>	
<i>☒ Entry into force and applicability ☒</i>	Entry into force and applicability	<i>☒ Entry into force and applicability ☒</i>	
This Regulation shall enter into force on the 20th <u>twentieth</u> day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the 20th <u>twentieth</u> day following that of its publication in the Official Journal of the European Union.	
It shall apply to asylum applications ⇒ for international	It shall apply to applications for international protection lodged as	It shall apply to asylum applications ⇒ for international	

<p>protection ⇐ lodged as from the first day of the sixth month following its entry into force and, from that date, it will apply to any request to take charge of or take back asylum seekers, irrespective of the date on which the application was made. The Member State responsible for the examination of an asylum application ⇒ for international protection ⇐ submitted before that date shall be determined in accordance with the criteria set out in the ☒ Regulation (EC) No 343/2003 ☒ Dublin Convention.</p>	<p>from the first day of the sixth month following its entry into force and, from that date, it shall apply to any request to take charge of or take back asylum seekers, irrespective of the date on which the application was made. The Member State responsible for the examination of an application for international protection submitted before that date shall be determined in accordance with the criteria set out in Regulation (EC) No 343/2003.</p>	<p>protection ⇐ lodged as from the first day of the sixth month following its entry into force and, from that date, it will apply to any request to take charge of or take back asylum seekers, irrespective of the date on which the application was made. The Member State responsible for the examination of an asylum application ⇒ for international protection ⇐ submitted before that date shall be determined in accordance with the criteria set out in the ☒ Regulation (EC) No 343/2003 ☒ Dublin Convention.</p>	
<p>This Regulation shall be binding in its entirety and directly applicable in the Member States in conformity with the Treaty establishing the European Community.</p>	<p>This Regulation shall be binding in its entirety and directly applicable in the Member States in conformity with the Treaty .</p>	<p>This Regulation shall be binding in its entirety and directly applicable in the Member States in conformity with the Treaty establishing the European Community.</p>	
<p>Done at [...]</p>	<p>Done at </p>	<p>Done at [...]</p>	
<p><i>For the European Parliament</i></p>	<p>For the European Parliament</p>	<p><i>For the European Parliament</i></p>	
<p><i>The President</i> [...]</p>	<p>The President [...]</p>	<p><i>The President</i> [...]</p>	

<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> [...]	

ⁱ COM(2011) 835 final