

Comparative Table

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

Interinstitutional code: 2009/0165 (COD)

The columns of the table reflect respectively:

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

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

Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee ² ,	<u>Identical.</u>
Having regard to the opinion of the Committee of the Regions ³ ,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions ⁴ ,	<u>Identical.</u>
Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	<u>Identical.</u>
Whereas:	Whereas:	Whereas:	<u>Identical.</u>
(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁵ . In the interest of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status. In the interest of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁶ . In the interest of clarity, that Directive should be recast.	<u>Identical.</u>
(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's	(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's	(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's	<u>Identical.</u>

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 326, 13.12.2005, p. 13.

⁶ OJ L 326, 13.12.2005, p. 13.

<p>objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the ☒ Union ☒ Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	<p>objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.</p>	<p>objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the ☒ Union ☒ Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	
<p>(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 of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol 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 of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol 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 of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of</p>	<p><u>Identical.</u></p>

31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	31 January 1967 (Geneva Convention), thus affirming the principle of non- <i>refoulement</i> and ensuring that nobody is sent back to persecution.	
(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, ☒ Union ☒ Community rules leading to a common asylum procedure in the European ☒ Union ☒ Community .	(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Union rules leading to a common asylum procedure in the European Union.	(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, ☒ Union ☒ Community rules leading to a common asylum procedure in the European ☒ Union ☒ Community .	<u>Identical.</u>
(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive	(5) The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive	(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive	<u>Identical.</u>

<p>2005/85/EC which was ↪ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	<p>2005/85/EC which was a first measure on asylum procedures.</p>	<p>2005/85/EC which was ↪ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	
<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the</p>	<p><u>Identical.</u></p>

objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.	
(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.	<u>Identical.</u>

<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment</p>	<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment</p>	<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment</p>	<p><u>Identical.</u></p>
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as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.	
(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council ¹ , should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate	(9) <i>It is necessary for</i> the resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council, <i>to</i> be mobilised, <i>inter alia</i> , to provide adequate support to the Member States' efforts relating to the implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and	(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council ² , should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate	Outcome trilogues: take Cion/Council text as this is the same text used in the recasts of recital (11) of the Qualification Directive and recital (6) of the Reception Conditions Directive.

¹ OJ L 132, 29.5.2010, p.11.

² OJ L 132, 29.5.2010, p.11.

pressures on their asylum systems, due in particular to their geographical or demographic situation.	disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation. <i>It is also necessary that in Member States that receive a disproportionately large number of asylum applications in relation to the size of their population, financial support and administrative/technical support be mobilised immediately under the European Refugee Fund and the European Asylum Support Office respectively in order to enable them to comply with this Directive.</i> [Am. 1]	pressures on their asylum systems, due in particular to their geographical or demographic situation.	
		➡(9a) <u>When implementing this Directive Member States should take into account relevant guidelines developed by the European Asylum Support Office.</u> ➡	<u>Outcome trilogues: take Council text.</u>

<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	<p><u>Identical.</u></p>
<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to</p>	<p>(11) The main objective of this Directive is to further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to</p>	<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to</p>	<p><u>Identical</u></p>

<p>establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	<p>establishing a common asylum procedure in the Union.</p>	<p>establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	
<p>(12) The approximation of rules on the procedures for granting and withdrawing ⇒ international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement would be caused by differences in legal frameworks ⇒ , and create equivalent conditions for the application of Directive [...]/.../EU] [the Qualification Directive] in Member States ⇐.</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing international protection should help to limit the secondary movements of applicants for international protection between Member States, where such movement would be caused by differences in legal frameworks, and create equivalent conditions for the application of Directive [...]/.../EU] [the Qualification Directive] in Member States.</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing ⇒ international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement would be caused by differences in legal frameworks ⇒ , and create equivalent conditions for the application of Directive [...]/.../EU] [the Qualification Directive] in Member States ⇐.</p>	<p><u>Identical</u></p>
<p>(13) It is in the very nature of</p>	<p>(13) Member States should</p>	<p>(13) It is in the very nature of</p>	<p><u>Identical</u></p>

<p>minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [...]/.../EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva Convention.</p>	<p>have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is in need of international protection within the meaning of Directive [...]/.../EU] [the Qualification Directive].</p>	<p>minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [...]/.../EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva Convention.</p>	
<p>(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and</p>	<p>(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party.</p>	<p>(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and</p>	<p><u>Identical</u></p>

which prohibit discrimination.		which prohibit discrimination.	
	(14a) Member States are obliged to respect fully the principle of non-refoulement and the right to asylum, which includes access to an asylum procedure for any person who wishes to claim asylum and who is in their jurisdiction, including those under the effective control of a Union body or a body of a Member State.		<u>Outcome trilogues: EP AM withdrawn.</u>
(15) It is essential that decisions on all applications for ⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has received</u> the necessary training in the field of asylum and ⇒ international	(15) It is essential that decisions on all applications for international protection be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge and receives the necessary training in the field of asylum and international protection matters.	(15) It is essential that decisions on all applications for ⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has received</u> the necessary training in the field of asylum and ⇒ international	<u>Outcome trilogues: take Cion/Council text.</u>

protection ⇐ refugee matters.		protection ⇐ refugee matters.	
			<u>Outcome trilogues:</u> (15a) In order to ensure that applications are examined and decisions are taken objectively and impartially, it is necessary that professionals acting in the framework of the procedures provided for in this Directive perform their activities with due respect to the applicable deontological principles.
(16) It is in the interest of both Member States and applicants for ⇒ international protection ⇐ asylum ⊗ that a decision is made ⊗ to make a decision as soon as possible on applications for ⇒ international protection ⇐ asylum, ⇒ without prejudice to an adequate and complete examination ⇐. The	(16) It is in the interest of both Member States and applicants for international protection that a decision is made as soon as possible on applications for international protection, without prejudice to an adequate and complete examination.	(16) It is in the interest of both Member States and applicants for ⇒ international protection ⇐ asylum ⊗ that a decision is made ⊗ to make a decision as soon as possible on applications for ⇒ international protection ⇐ asylum, ⇒ without prejudice to an adequate and complete examination ⇐. The	<u>Identical</u>

organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.		organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.	
			<p><u>Outcome trilogues (shadow meeting 28 November 2012)</u></p> <p>(16a) In order to shorten the overall duration of the asylum procedure in certain cases, Member States should have the flexibility, in accordance with their national needs, to prioritise the examination of any application by examining it before other, previously made applications, without derogating from normally applicable procedural time limits,</p>

			principles and guarantees.
			<u>Outcome trilogues (shadow meeting 28 November 2012):</u> (16b) In well-defined circumstances where an application is likely to be unfounded or where there are serious national security or public order concerns, Member States should be able to accelerate the examination procedure, in particular by introducing shorter reasonable time limits for certain procedural steps, without prejudice to an adequate and complete examination and to the applicant's effective access to basic principles and guarantees provided for in this Directive.
			(16c)





			<p><u>Pending</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p> <p><u>Related to Articles 25 and 31(8)</u></p>
<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to</p>	<p><u>Outcome trilogues</u></p> <p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping</p>

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

	applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.	
(19)	The notion of public order may \Rightarrow <i>inter alia</i> \Leftarrow cover a conviction for committing a serious crime.	(19) The notion of public order may <i>inter alia</i> cover a conviction for committing a serious crime.	(19) The notion of public order may \Rightarrow <i>inter alia</i> \Leftarrow cover a conviction for committing a serious crime.	<u>Identical</u>
(20)	In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention \Rightarrow or as persons eligible for subsidiary protection \Leftarrow , every applicant should, subject to certain exceptions, have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant	(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention or as persons eligible for subsidiary protection, every applicant should have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and <i>effective</i> procedural	(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention \Rightarrow or as persons eligible for subsidiary protection \Leftarrow , every applicant should, subject to certain exceptions, have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant	<u>Outcome trilogues: take Cion/Council text.</u>

<p>facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection ⇨ asylum is examined should normally provide an applicant at least with the right to stay pending a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇨ and with organisations providing advice or counselling to applicants for international protection ⇨ or with any organisation working on</p>	<p>guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection is examined should normally provide an applicant at least with the right to stay pending a <i>final</i> decision by the determining authority <i>and, in the case of a negative decision, the time necessary for seeking a judicial remedy, and for so long as a competent court or tribunal so authorises</i>, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) and with organisations providing advice or</p>	<p>facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection ⇨ asylum is examined should normally provide an applicant at least with the right to stay pending a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇨ and with organisations providing advice or counselling to applicants for international protection ⇨ or with any organisation working on</p>	
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<p>its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇨ understands or ⇨ is ⇨ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇨.</p>	<p>counselling to applicants for international protection, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she understands or is reasonably supposed to understand and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal.</p>	<p>its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇨ understands or ⇨ is ⇨ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇨.</p>	
<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>		<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>	

<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and necessary training on how to recognise and deal with requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and necessary training on how to recognise, <i>register and forward to the competent determining authority</i> requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive <u>relevant information</u>   [...]  and necessary training on how to recognise and deal with requests for international protection <u>inter alia taking due account of relevant guidelines developed by the European Asylum Support Office</u>  . They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection,</p>	<p><u>Outcome trilogues: take Council text</u></p>
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those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.	international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.	with ➡ [...] ➡ relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.	
	(21a) <i>Given that third country nationals or stateless persons who have expressed their wish to apply for international protection are applicants for international protection, they should comply with the obligations and benefit from the rights in accordance with this Directive and the Reception Conditions Directive. To that end, Member States should register that those persons are applicants for international</i>		<p><u>Outcome trilogues: take EP AM</u></p> <p>(21a) <i>Given that third country nationals or stateless persons who have expressed their wish to apply for international protection are applicants for international protection, they should comply with the obligations and benefit from the rights in accordance with this Directive and the Reception Conditions Directive. To that end, Member States should register that those</i></p>

	<i>protection as soon as possible.</i>		<i>persons are applicants for international protection as soon as possible.</i>
(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information <i>on the possibility to request international protection and easily accessible.</i> Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.	<u>Outcome trilogues: take Council text as part of overall compromise</u>
(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, persons who have been subjected to torture, rape	(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, <i>pregnant women,</i> persons who have been	(23) ➔ <u>Certain applicants may be in need of special procedural guarantees due to ➔ <i>inter alia</i> ➔ their age, gender, sexual orientation, gender identity, disability.</u>	<u>Outcome trilogues:</u> (23) Certain applicants may be in need of special procedural guarantees due to <i>inter alia</i> their

<p>or other serious acts of violence or disabled persons, should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.</p>	<p>subjected to torture, rape or other serious acts of violence, <i>such as violence based on gender and harmful traditional practices</i>, or disabled persons, should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.</p>	<p><u>serious illness, mental disorders or consequences of</u> [...] <u>torture, rape or other serious</u> [...] <u>forms of</u> [...] <u>psychological, physical or sexual</u> [...] <u>violence</u> [...] <u>. Those applicants</u> [...] [...] <u>should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.</u></p>	<p>age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence. <i>Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken.</i> Those applicants should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.</p>
<p>(24) National measures dealing with identification and documentation of</p>	<p>(24) National measures dealing with identification and documentation of</p>	<p>(24) National measures dealing with identification and documentation of</p>	<p><u>Outcome trilogues: take Council text.</u></p>

<p>symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).</p>	<p>symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).</p>	<p>symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive may [...] inter alia be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).</p>	
<p>(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender</p>	<p>(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution <i>to an interviewer of the same</i></p>	<p>(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender</p>	<p><u>Outcome trilogues: take Cion/Council text.</u></p>

related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.	<i>sex if so requested, who has specific training on the issue of interviews regarding gender-based persecution.</i> The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.	related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.	
(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.	Pending <u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u> <u>Related to Article 25.</u>
			(26a) Pending <u>See state of play 8.3.2013 on Articles 24-25 circulated and</u>

			<u>added at the end of this table</u> <u>Related to Article 25.</u>
(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.	(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the <i>determining</i> authorities to conduct a rigorous examination of applications for international protection.	(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.	<u>Outcome trilogues: take Cion/Council text.</u> .
			<u>Outcome trilogues: take compromise text below.</u> <u>Related to Article 13(2)(d)</u> (27a) When Member States resort in the framework of processing of the application to a search of the applicant, this search should be carried by a person of the same sex . This should be without prejudice to a search carried out, for security reasons on the basis of

			national law .
<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the guarantees normally enjoyed by the applicant.</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle.</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the guarantees normally enjoyed by the applicant.</p>	<p><u>Identical</u></p>
	<p>(28a) <i>With respect to the involvement of the personnel of another authority than that of the determining authority in conducting interviews on the substance of an application, the notion of "timely" as referred</i></p>		<p><u>Outcome trilogues</u></p> <p>(28a) <i>With respect to the involvement of the personnel of another authority than that of the determining authority in conducting interviews on the substance of an</i></p>

	<i>in article 14(1)2 shall be assessed against the time limits foreseen in Article 31. The determining authority shall demonstrate that it has insufficient capacity to ensure that an interview on the substance can be conducted within a time frame that enables the authorities to conclude the procedure within the time-limit as laid down in Article 31(3).</i>		<i>application, the notion of "timely" as referred in article 14(1)2 shall be assessed against the time limits foreseen in Article 31.</i>
			<p>(28b)</p> <p><u>Pending</u></p> <p><u>Related to Article 25</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p>
(29) Many asylum applications ⇒ for international protection ⇐ are made at the border or in a transit	(29) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a	(29) Many asylum applications ⇒ for international protection ⇐ are made at the border or in a transit	<u>Identical</u>

<p>zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇨ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances ⇨ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>	<p>decision on the entry of the applicant. Member States should be able to provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances.</p>	<p>zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇨ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances ⇨ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>	
			<u>Outcome trilogues.</u>

			<p><u>Related to Article 31(3)</u></p> <p>(29a) In determining whether a situation of uncertainty prevails in the country of origin of an applicant, Member States should ensure that they obtain precise and up-to-date information from relevant sources such as EASO, the UNHCR, the Council of Europe and other relevant international organisations. Member States should ensure that this postponement of conclusion of the procedure is applied in full compliance with their obligations under the Qualification Directive and Article 41 EU Charter on Fundamental Rights without prejudice to the efficiency and fairness of the procedures in this directive.</p>
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			<p>(29b)</p> <p><u>Pending</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p> <p><u>Related to Article 25</u></p> <p>(29c)</p> <p><u>Pending</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p> <p><u>Related to Article 25</u></p>
<p>(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin,</p>	<p>(30) A key consideration for the well-foundedness of an application for international protection is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin,</p>	<p>(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin,</p>	<p><u>Identical</u></p>

	Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.	Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents counter-indications.	Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.	
(31)	Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	(31) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	(31) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.	<u>Identical</u>
	Where the Council has satisfied itself that those criteria are met in relation to a particular country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the		Where the Council has satisfied itself that those criteria are met in relation to a particular country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the	

<p>nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the establishment or amendment of the list, after consultation of the European Parliament.</p>		<p>nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the establishment or amendment of the list, after consultation of the European Parliament.</p>	
<p>(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the</p>		<p>(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the</p>	

progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.		progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.	
(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country	(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country	(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country	<u>Identical</u>

<p>concerned. For this reason, it is important that, where an applicant shows that there are ⇒ valid ⇐ serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	<p>concerned. For this reason, it is important that, where an applicant shows that there are valid reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	<p>concerned. For this reason, it is important that, where an applicant shows that there are ⇒ valid ⇐ serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	
<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies ☒ for international protection ☒ as a refugee in accordance with <u>Directive [...]/.../EU</u> [the <u>Qualification Directive</u>] <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless</u></p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies for international protection in accordance with Directive [...]/.../EU] [the Qualification Directive], except where the present Directive provides otherwise, in particular where it can be <i>ensured</i> that another country would do the examination or provide <i>effective</i> protection. In particular, Member</p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies ☒ for international protection ☒ as a refugee in accordance with <u>Directive [...]/.../EU</u> [the <u>Qualification Directive</u>] <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless</u></p>	<p><u>Outcome trilogues: take Cion/Council text.</u></p>

<p>persons as refugees or as persons who otherwise need international protection and the content of the protection granted, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an asylum application ⇒ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection and the applicant will be readmitted to this country.</p>	<p>States should not be obliged to assess the substance of an application for international protection where a first country of asylum has granted the applicant refugee status or otherwise <i>accessible and effective</i> protection and the applicant will be readmitted to this country. <i>Member States should proceed in this way only in cases where the applicant in question is safe in the third country concerned.</i> [Am. 10]</p>	<p>persons as refugees or as persons who otherwise need international protection and the content of the protection granted, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an asylum application ⇒ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection and the applicant will be readmitted to this country.</p>	
<p>(35) Member States should also not be obliged to assess the substance of an an asylum application</p>	<p>(35) Member States should also not be obliged to assess the substance of an an application for</p>	<p>(35) Member States should also not be obliged to assess the substance of an an asylum application</p>	<p><u>Identical</u></p>

<p>⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for considering that the applicant will be admitted or re-admitted to that country ⇐.</p> <p>Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	<p>international protection where the applicant, due to a sufficient connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country, and there are grounds for considering that the applicant will be admitted or re-admitted to that country. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	<p>⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for considering that the applicant will be admitted or re-admitted to that country ⇐.</p> <p>Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	
<p>(36) Furthermore, with respect to certain</p>	<p>(36) ■</p>	<p>(36) Furthermore, with respect to certain</p>	<p><u>Outcome trilogue: take</u></p>

<p>European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇨ for international protection ⇨ regarding applicants who enter their territory from such European third countries.</p> <p>Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in</p>		<p>European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇨ for international protection ⇨ regarding applicants who enter their territory from such European third countries.</p> <p>Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in</p>	<p><u>Cion/Council text</u></p> <p><u>Related to Article 39.</u></p>
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this matter after consultation of the European Parliament.		this matter after consultation of the European Parliament.	
It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the concepts depends on whether the third country in question permits the applicant in question to enter its territory.		It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the concepts depends on whether the third country in question permits the applicant in question to enter its territory.	
			<p><u>Outcome trilogue: take compromise text below:</u></p> <p><u>Related to Article 39.</u> (see shadow-meeting 17.12.2012)</p> <p>(36a) Where Member States apply safe country concepts on a case-by-case basis or designate countries as safe by adopting lists to that effect, they should take into account, inter alia, the guidelines and operating manuals referred to in Article 12</p>

			(2) of Regulation (EU) No 439/2010 and information on country of origin and activities referred to in Article 4 of Regulation (EU) No 439/2010 including EASO Country of Origin Information report methodology as well as relevant UNHCR guidelines.
(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.	I	(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.	<p><u>Outcome trilogue: take compromise text below.</u></p> <p><u>Related to Article 39.</u></p> <p>(see shadow-meeting 17.12.2012)</p> <p>(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country and European safe third country concepts as well as a regular review by the Commission of the use of these concepts by Member States and to</p>

			<p>prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied. The Commission should regularly inform the European Parliament on the result of these reviews.</p>
			<p><u>Outcome trilogue: take compromise text below.</u></p> <p>(see shadow-meeting 17.12.2012)</p> <p><u>Related to Article 39.</u></p> <p>(37a) In order to ensure correct application of the safe country concepts based on up-to-date information, Member States should conduct regular reviews of the situation in those countries based on a range of sources of information, including</p>

			<p>in particular information from other Member States, EASO, the UNHCR, the Council of Europe and other relevant international organizations. When MS become aware of a significant change in the human rights situation in a country designated by them as safe, they should ensure that a review of that situation is conducted as soon as possible and, where necessary, review the designation of that country as safe.</p>
<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their</p>	<p>(38) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view</p>	<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their</p>	<p><u>Identical</u></p>

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



<p>remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the remedy, also with regard to the examination of the relevant facts, depends on the administrative and judicial system of each Member State seen as a whole.</p>		<p>remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the remedy, also with regard to the examination of the relevant facts, depends on the administrative and judicial system of each Member State seen as a whole.</p>	<p>(39a)</p> <p><u>Pending</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p> <p><u>Related to Article 24</u></p>
<p>(40) In accordance with Article <u>72</u> 64 of the Treaty <u>on the Functioning of the European Union</u>, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the</p>	<p>(40) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and</p>	<p>(40) In accordance with Article <u>72</u> 64 of the Treaty <u>on the Functioning of the European Union</u>, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the</p>	<p><u>Identical</u></p>

maintenance of law and order and the safeguarding of internal security.	order and the safeguarding of internal security.	maintenance of law and order and the safeguarding of internal security.	
			<p><u>Outcome trilogues:</u></p> <p>(40a) Directive 95/46 of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data governs the processing of personal data carried out in the Member States pursuant to this Directive.</p>
<p>(41) This Directive does not deal with procedures ⇒ between Member States ⇐ governed by Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [.../...] [establishing the criteria and mechanisms for determining the Member state</p>	<p>(41) This Directive does not deal with procedures between Member States governed by Regulation (EU) No [.../...] [establishing the criteria and mechanisms for determining the Member state responsible for examining an application for international protection lodged in one</p>	<p>(41) This Directive does not deal with procedures ⇒ between Member States ⇐ governed by Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [.../...] [establishing the criteria and mechanisms for determining the Member state</p>	<p><u>Identical</u></p>

<p>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 ⇐] (<u>the Dublin Regulation</u>).</p>	<p>of the Member States by a third-country national or a stateless person] (the Dublin Regulation).</p>	<p>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 ⇐] (<u>the Dublin Regulation</u>).</p>	
<p>(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees pursuant to Regulation (EU) No [.../...] [the Dublin Regulation].</p>	<p>(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees pursuant to Regulation (EU) No [.../...] [the Dublin Regulation].</p>	<p>↻ [...] ↻</p>	<p><u>Outcome trilogues</u></p> <p>(see shadow-meeting 17.12.2012 and 4 column document dd 13.12.2012)</p> <p><u>Related to the Dublin references in the Articles 28(3), 34(2) and 46(8).</u></p> <p>(42) This Directive should apply to applicants to whom the Dublin Regulation applies, in addition and without prejudice to the provisions of that Regulation.</p>

(43)	The implementation of this Directive should be evaluated at regular intervals not exceeding two years .	(43)	The implementation of this Directive should be evaluated at regular intervals.	(43)	The implementation of this Directive should be evaluated at regular intervals not exceeding two years .	<u>Identical</u>
(44)	Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community level, the <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty <u>on European Union</u> . In accordance with the principle of proportionality, as set out in that Article, this	(44)	Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(44)	Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community level, the <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty <u>on European Union</u> . In accordance with the principle of proportionality, as set out in that Article, this	<u>Identical</u>

Directive does not go beyond what is necessary in order to achieve that objective.		Directive does not go beyond what is necessary in order to achieve that objective.	
		<p>☞ (44a) In accordance with the <u>Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.</u> ☞</p>	<p><u>Outcome trilogues: take Council text.</u></p>
<u>In accordance with</u>		<u>In accordance with</u>	

Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.		Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.	
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, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application of this Directive.		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, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application of this Directive.	
(45) In accordance with Article 4a(1) of Protocol	(45) In accordance with Article 4a(1) of Protocol	(45) In accordance with  Articles 1, 2 and 	<u>Outcome trilogues: take Council text.</u>

	<p>No. 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.</p>	<p>No. 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.</p>	<p>Article 4a(1) of Protocol (No. 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to [...] Article 4 of that Protocol, the United Kingdom and Ireland are not taking part in the adoption of this Directive and [...] are not bound by it or subject to its application [...] .</p>	
<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union establishing the European Community.</p>	<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of</p>	<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union establishing the European Community.</p>	<p><u>Identical</u></p>	

Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	this Directive and is not bound by it or subject to its application.	Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.	
(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇨ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇨	(47) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4 , 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly.	(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇨ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇨	<u>Outcome trilogues: take EP text.</u> (47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇨ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4 , 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇨
(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with	(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with	(48) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with	<u>Identical</u>

the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	
(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	<u>Identical</u>
HAVE ADOPTED THIS DIRECTIVE,	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE,	
CHAPTER I	CHAPTER I	CHAPTER I	
GENERAL PROVISIONS	GENERAL PROVISIONS	GENERAL PROVISIONS	
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	
Purpose	Purpose	Purpose	
The purpose of this Directive is to establish ⇒ common ⇐ minimum standards on procedures in	The purpose of this Directive is to establish common procedures for granting and withdrawing	The purpose of this Directive is to establish ⇒ common ⇐ minimum standards on procedures in	<u>Outcome trilogues: take Council text.</u>

Member States for granting and withdrawing ⇒ international protection status by virtue of Directive [...]/.../EU [the Qualification Directive] ⇐ refugee status.	international protection status by virtue of Directive [...]/.../EU [the Qualification Directive].	Member States for granting and withdrawing ⇒ international protection ⇐ [...] by virtue of Directive [...]/.../EU [the Qualification Directive] ⇐ refugee status.	<u>Issue of deletion of "status" comes back in several APD-provisions and follows from the text of the Qualification Directive.</u>
<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	
Definitions	Definitions	Definitions	
For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	<u>Identical</u>
(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;	<u>Identical</u>
(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the Geneva Convention. Any application for		(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the Geneva Convention. Any application for	

international protection is presumed to be an application for asylum, unless the person concerned explicitly requests another kind of protection that can be applied for separately;		international protection is presumed to be an application for asylum, unless the person concerned explicitly requests another kind of protection that can be applied for separately;	
(b) "application" or "application for international protection" means a request made by a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [...]/.../EU] [the Qualification Directive], that can be applied for separately;	(b) "application" or "application for international protection" means a request made by a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [...]/.../EU] [the Qualification Directive], that can be applied for separately;	(b) "application" or "application for international protection" means a request made by a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [...]/.../EU] [the Qualification Directive], that can be applied for separately;	<u>Identical</u>
(c) "applicant" or "applicant for ⇒ international protection ⇐ asylum" means a third country	(c) "applicant" or "applicant for international protection" means a third country national or	(c) "applicant" or "applicant for ⇒ international protection ⇐ asylum" means a third country	<u>Identical</u>

national or stateless person who has made an application for ⇒ international protection ⇐ asylum in respect of which a final decision has not yet been taken;	stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;	national or stateless person who has made an application for ⇒ international protection ⇐ asylum in respect of which a final decision has not yet been taken;	
(d) "applicant in need of special procedural guarantees" means an applicant who due to age, gender, sexual orientation, gender identity, disability, serious physical illness, mental illness, post traumatic disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive;	(d) "applicant in need of special procedural guarantees" means an applicant who due to age, gender, sexual orientation, gender identity, disability, physical illness, mental illness, post traumatic disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive;	(d) "applicant in need of special procedural guarantees" means an applicant ➔ <u>whose ability to benefit from the rights and comply with the obligations provided for in this Directive is limited</u> ➔ <u>[...]</u> ➔ due to ➔ <u>individual circumstances</u> ➔ <u>[...]</u> ➔;	<u>Outcome trilogues: take Council text</u> <u>Related to Article 24 and recital (23).</u>
(e) "final decision" means a decision on whether the third country national or	(e) "final decision" means a decision on whether the third country national or	(ee) "final decision" means a decision on whether the third country national or	<u>Identical</u>

<p>stateless person be granted refugee ⇒ or subsidiary protection ⇐ status by virtue of <u>Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> <u>2004/83/EC</u> and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome, subject to Annex III of this Directive;</p>	<p>stateless person be granted refugee or subsidiary protection status by virtue of Directive [...]/.../EU] [the Qualification Directive] and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome;</p>	<p>stateless person be granted refugee ⇒ or subsidiary protection ⇐ status by virtue of <u>Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> <u>2004/83/EC</u> and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome, subject to Annex III of this Directive;</p>	
<p>(<u>f</u> <u>e</u>) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for ⇒ international protection ⇐ asylum competent to take decisions at first instance in such cases, subject to Annex I;</p>	<p>(<u>f</u>) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection competent to take decisions at first instance in such cases;</p>	<p>(<u>fe</u>) "determining authority" means any quasi-judicial or administrative body in a Member State responsible for examining applications for ⇒ international protection ⇐ asylum competent to take decisions at first instance in such cases, subject to Annex I;</p>	<p><u>Identical</u></p>

(g g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article <u>2(d) of Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> 1 of the Geneva Convention as set out in Directive 2004/83/EC;	(g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of Directive [...]/.../EU [the Qualification Directive];	(g g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article <u>2(d) of Directive [...]/.../EU</u> <u>[the Qualification Directive]</u> 1 of the Geneva Convention as set out in Directive 2004/83/EC;	<u>Identical</u>
(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU [the Qualification Directive];	(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU [the Qualification Directive];	(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU [the Qualification Directive];	<u>Identical</u>
(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;	Outcome trilogues: take Council <u>text</u> . <u>Issue of deletion of "status" comes back in several APD-provisions and follows from the text of the Qualification Directive.</u>
(j j) "refugee status" means the recognition by a	(j) "refugee status" means the recognition by a	(j j) "refugee status" means the recognition by a	<u>Identical</u>

Member State of a third country national or ☒ a ☒ stateless person as a refugee;	Member State of a third country national or a stateless person as a refugee;	Member State of a third country national or ☒ a ☒ stateless person as a refugee;	
(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection;	(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection;	(k) "subsidiary protection status" means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection;	<u>Identical</u>
(l) "minor" means a third country national or a stateless person below the age of 18 years;	(l) "minor" means a third country national or a stateless person below the age of 18 years;	(l) "minor" means a third country national or a stateless person below the age of 18 years;	<u>Identical</u>
(<u>m</u> h) "unaccompanied minor" means ⇒ a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive] ⇐ a person below the age of eighteen who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by custom, and for as	(m) "unaccompanied minor" means a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive];	(<u>m</u> h) "unaccompanied minor" means ⇒ a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive] ⇐ a person below the age of eighteen who arrives in the territory of the Member States unaccompanied by an adult responsible for him/her whether by law or by custom, and for as	<u>Identical</u>

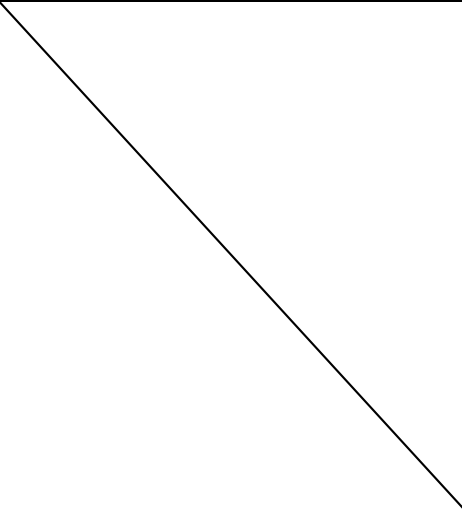
<p>long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;</p>		<p>long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;</p>	
<p>(<u>n</u>) "representative" means a ⇒ person or an organisation appointed by the competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance with this Directive ⇐ person acting on behalf</p>	<p>(n) "representative" means a person or an organisation appointed by the competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance with this Directive. <i>The organisation has to</i></p>	<p>(<u>n</u>) "representative" means a ⇒ person or an organisation appointed by the competent bodies ⇐ [...] ⇐ in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation ⇐ is appointed ⇐ [...] ⇐ as a representative, it shall ⇐ designate ⇐ [...] ⇐ a person responsible for carrying out the duties of ⇐ ⇐ [...] ⇐ ⇐ this ⇐ organisation ⇐ ⇐ [...] ⇐ in respect of</p>	<p><u>Outcome trilogues: take Council text which is identical to Art 2(j) RCD and 2(j) Dublin Regulation.</u></p>

<p>of an organisation representing an unaccompanied minor as legal guardian, a person acting on behalf of a national organisation which is responsible for the care and well-being of minors, or any other appropriate representation appointed to ensure his/her best interests;</p>	<p><i>prove available capacities to carry out the duties fully;</i></p>	<p>the minor, in accordance with this Directive ⇐ person acting on behalf of an organisation representing an unaccompanied minor as legal guardian, a person acting on behalf of a national organisation which is responsible for the care and well-being of minors, or any other appropriate representation appointed to ensure his/her best interests;</p>	
<p>(<u>o j</u>) "withdrawal of ⇨ international protection ⇐ refugee status" means the decision by a competent authority to revoke, end or refuse to renew the refugee ⇨ or subsidiary protection ⇐ status of a person in accordance with Directive [...]/.../EU] [<u>the Qualification Directive</u>] <u>2004/83/EC</u>;</p>	<p>(o) "withdrawal of international protection" means the decision by a competent authority to revoke, end or refuse to renew refugee or subsidiary protection status of a person in accordance with Directive [...]/.../EU] [the Qualification Directive];</p>	<p>(<u>o j</u>) "withdrawal of ⇨ international protection ⇐ refugee status" means the decision by a competent authority to revoke, end or refuse to renew the refugee ⇨ or subsidiary protection ⇐ status of a person in accordance with Directive [...]/.../EU] [<u>the Qualification Directive</u>] <u>2004/83/EC</u>;</p>	<p><u>Identical.</u></p>
<p>(<u>p k</u>) "remain in the Member</p>	<p>(p) "remain in the Member</p>	<p>(<u>p k</u>) "remain in the Member</p>	<p><u>Identical</u></p>

State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection ↔ asylum has been made or is being examined:.	State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection has been made or is being examined:.	State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection ↔ asylum has been made or is being examined:.	
	(q) <i>"new facts and circumstances" means facts supporting the essence of the claim, which could contribute to the revision of an earlier decision.</i>		<u>Outcome trilogues: take Cion/Council text (EP AM withdrawn).</u>
(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in	(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in	(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its implicit withdrawal in	<u>Identical.</u>

accordance with Article 28(1).	accordance with Article 28(1).	accordance with Article 28(1).	
<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	
Scope	Scope	Scope	
1. This Directive shall apply to all applications for ⇒ international protection ⇐ asylum made in the territory, including at the border ⇒ , in the territorial waters ⇐ or in the transit zones of the Member States, and to the withdrawal of ⇒ international protection ⇐ refugee status.	1. This Directive shall apply to all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and to the withdrawal of international protection status.	1. This Directive shall apply to all applications for ⇒ international protection ⇐ asylum made in the territory, including at the border ⇒ , in the territorial waters ⇐ or in the transit zones of the Member States, and to the withdrawal of ⇒ international protection ⇐ refugee status.	<u>Identical</u>
2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.	<u>Identical</u>
3. Where Member States employ or introduce a		3. Where Member States employ or introduce a	

<p>procedure in which asylum applications are examined both as applications on the basis of the Geneva Convention and as applications for other kinds of international protection given under the circumstances defined by Article 15 of Directive 2004/83/EC; they shall apply this Directive throughout their procedure.</p>		<p>procedure in which asylum applications are examined both as applications on the basis of the Geneva Convention and as applications for other kinds of international protection given under the circumstances defined by Article 15 of Directive 2004/83/EC; they shall apply this Directive throughout their procedure.</p>	
<p><u>3. 4.</u> Moreover, Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection ⇨ falling outside of the scope of Directive [...]/.../EU] [the Qualification Directive] ⇩.</p>	<p>3. Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection falling outside of the scope of Directive [...]/.../EU] [the Qualification Directive].</p>	<p><u>3. 4.</u> Moreover, Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection ⇨ falling outside of the scope of Directive [...]/.../EU] [the Qualification Directive] ⇩.</p>	<p><u>Identical</u></p>

<p>In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications for asylum made in a Member State to the authorities of another Member State carrying out immigration controls there shall be dealt with by the Member State in whose territory the application is made.</p>		<p>In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications for asylum made in a Member State to the authorities of another Member State carrying out immigration controls there shall be dealt with by the Member State in whose territory the application is made.</p>	
<p>2. However, Member States may provide that <input checked="" type="checkbox"/> an <input type="checkbox"/> another authority <input checked="" type="checkbox"/> other than that referred to in paragraph 1 <input type="checkbox"/> is responsible for the purposes of:</p>	<p>2. Member States may provide that an authority other than that referred to in paragraph 1 is responsible for the purposes of:</p>	<p>2. However, Member States may provide that <input checked="" type="checkbox"/> an <input type="checkbox"/> another authority <input checked="" type="checkbox"/> other than that referred to in paragraph 1 <input type="checkbox"/> is responsible for the purposes of:</p>	<p><u>Identical</u></p>
<p>(a) <input checked="" type="checkbox"/> processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and <input checked="" type="checkbox"/> processing cases in which it is considered to transfer the</p>	<p>(a) processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and</p>	<p>(a) <input checked="" type="checkbox"/> processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation], and <input checked="" type="checkbox"/> processing cases in which it is considered to transfer the</p>	<p><u>Identical</u></p>

<p>applicant to another State according to the rules establishing criteria and mechanisms for determining which State is responsible for considering an application for asylum, until the transfer takes place or the requested State has refused to take charge of or take back the applicant;</p>		<p>applicant to another State according to the rules establishing criteria and mechanisms for determining which State is responsible for considering an application for asylum, until the transfer takes place or the requested State has refused to take charge of or take back the applicant;</p>	
<p>(b) taking a decision on the application in the light of national security provisions, provided the determining authority is consulted prior to this decision as to whether the applicant qualifies as a refugee by virtue of Directive 2004/83/EC;</p>		<p>(b) taking a decision on the application in the light of national security provisions, provided the determining authority is consulted prior to this decision as to whether the applicant qualifies as a refugee by virtue of Directive 2004/83/EC;</p>	

(e) conducting a preliminary examination pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous application;		(e) conducting a preliminary examination pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous application;	
(d) processing cases in the framework of the procedures provided for in Article 35(1);		(d) processing cases in the framework of the procedures provided for in Article 35(1);	
(<u>b e</u>) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5) , subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining	(b) granting or refusing permission to enter in the framework of the procedure provided for in Article 43, subject to the conditions and as set out therein and on the basis of the reasoned opinion of the determining	(<u>be</u>) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5) , subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining	(<u>be</u>) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5) , subject to the conditions and as set out therein ⇒ and on the basis of the reasoned opinion of the determining authority. ⇐ ¶

authority. ↵	authority.	authority. ↵	
(f) establishing that an applicant is seeking to enter or has entered into the Member State from a safe third country pursuant to Article 36, subject to the conditions and as set out in that Article.		(f) establishing that an applicant is seeking to enter or has entered into the Member State from a safe third country pursuant to Article 36, subject to the conditions and as set out in that Article.	
3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for initial and, where relevant, follow-up training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010. Member States shall also take into account the training established and developed by the European Asylum Support Office.	3. Member States shall ensure that the personnel of the determining authority and of the other competent authorities are properly trained. To that end, Member States shall provide for initial and follow-up training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010 and the training established and developed by the European Asylum Support Office. As part	3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for ☞ [...] relevant ☞ [...] training <u>☞ taking inter alia ☞ [...]</u> into account the training established and developed by the European Asylum Support Office. <u>☞ Persons interviewing applicants pursuant to this Directive ☞ shall ☞ also ☞ have acquired</u>	3. Member States shall ensure that the personnel of the determining authority are properly trained. To that end, Member States shall provide for ☞ [...] relevant ☞ [...] training which shall include the elements listed in Article 6(4) (a) to (e) of Regulation (EU) No 439/2010. Member States shall also take ☞ taking inter alia ☞-☞ [...] into account the relevant training established and developed by the

	<p><i>of the adequate training of the personnel, Member States shall also ensure continuous psychological guidance and assistance of the personnel.</i></p> <p><u>The training shall include, in particular:</u></p> <p>(a) <u>substantive and procedural rules on international protection and Human Rights set out in relevant international and Union instruments, including the principles of non-refoulement and non-discrimination;</u></p> <p>(b) <i>applicants with special needs, as defined in Article 2(d);</i></p> <p>(c) <u>gender, sexual orientation, trauma and age awareness, with particular attention being paid to unaccompanied minors;</u></p> <p>(d) <u>use of country of origin information;</u></p> <p>(e) <u>interview technics, including cross-culture communication;</u></p> <p>(f) <u>identification and documentation of signs and</u></p>	<p><u>general knowledge of</u> <u>☞ [...] ☞ problems</u> <u>which could adversely</u> <u>affect the applicants'</u> <u>ability to be</u> <u>interviewed ☞ , such as</u> <u>indications of possible</u> <u>past torture. ☞. ☞</u></p>	<p>European Asylum Support Office. ☞ <u>Persons interviewing</u> <u>applicants pursuant to</u> <u>this Directive ☞ shall ☞</u> <u>also ☞ have acquired</u> <u>general knowledge of</u> <u>☞ [...] ☞ problems</u> <u>which could adversely</u> <u>affect the applicants'</u> <u>ability to be</u> <u>interviewed ☞ , such as</u> <u>indications of possible</u> <u>past torture. ☞. ☞</u></p>
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	<u>symptoms of torture;</u> (g) <u>evidence assessment,</u> <u>including the principle of the</u> <u>benefit of the doubt;</u> (h) <u>case law issues relevant to</u> <u>the examination of</u> <u>applications for international</u> <u>protection.</u>		
4. <u>2</u> Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	4. Where an authority is designated in accordance with paragraph 2, Member States shall ensure that the personnel of that authority have the appropriate knowledge and receive the necessary training to fulfil their obligations when implementing this Directive.	4. <u>2</u> Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	4. <u>2</u> Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.
5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the

application is made.	application is made.	application is made.	application is made.
<i>Article 5</i>	<i>Article 5</i>	<i>Article 5</i>	
More favourable provisions	More favourable provisions	More favourable provisions	
Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing ⇒ international protection ⇐ refugee status , insofar as those standards are compatible with this Directive.	Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing international protection insofar as those standards are compatible with this Directive.	Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing ⇒ international protection ⇐ refugee status , insofar as those standards are compatible with this Directive.	<u>Identical</u>
CHAPTER II	CHAPTER II	CHAPTER II	
BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	
<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	<u>Outcome trilogues: take compromise text below.</u> <i>Article 6</i>

Access to the procedure	Access to the procedure	Access to the procedure	Access to the procedure
1. Member States may require that applications for ⇒ international protection ⇐ asylum be ⇒ lodged ⇐ made in person and/or at a designated place ⇒, without prejudice to paragraphs 2, 3, and 4 ⇐.	1. Member States may require that applications for international protection be lodged in person and/or at a designated place, without prejudice to paragraphs 2, 3, and 4.	1. ⇒ [...] ⇐	1. ⇒ [...] ⇐
		⇒ [...] ⇐ ⇒ When a person makes a request for international protection, ⇐ ⇒ to an authority competent under national law for registration of such applications, the ⇐ registration ⇐ ⇒ [...] ⇐ shall ⇐ take place ⇐ ⇒ [...] ⇐ no later than 3 working days after the request is made. ⇐	⇒ [...] ⇐ ⇒ When a person makes a request for international protection, ⇐ ⇒ to an authority competent under national law for registration of such applications, the ⇐ registration ⇐ ⇒ [...] ⇐ shall ⇐ take place ⇐ ⇒ [...] ⇐ no later than 3 working days after the request is made. ⇐
		⇒ If the request ⇐ for international	⇒ If the request ⇐ for international

		<p>protection ☹ is made to ☹ other authorities which are ☹ ☹ [...] ☹ likely to receive such requests, but not competent for the registration under national law, Member States shall ensure that ☹ [...] ☹ the ☹ registration shall take place ☹ ☹ [...] ☹ no later than 6 working days after the request is made. ☹</p>	<p>protection ☹ is made to ☹ other authorities which are ☹ ☹ [...] ☹ likely to receive such requests, but not competent for the registration under national law, Member States shall ensure that ☹ [...] ☹ the ☹ registration shall take place ☹ ☹ [...] ☹ no later than 6 working days after the request is made. ☹</p>
		<p>☹ Member States shall ☹ ensure that those ☹ ☹ [...] ☹ other authorities which are likely to receive requests for international protection ☹ such as ☹ ☹ [...] ☹ police, border guards, immigration authorities and personnel of detention facilities ☹ [...] ☹ have the relevant information and that their personnel receive ☹ [...] ☹ instructions ☹ to inform applicants where and how applications for</p>	<p>☹ Member States shall ☹ ensure that those ☹ ☹ [...] ☹ other authorities which are likely to receive requests for international protection ☹ such as ☹ ☹ [...] ☹ police, border guards, immigration authorities and personnel of detention facilities ☹ [...] ☹ have the relevant information and that their personnel receive the necessary level of training as appropriate to their</p>

		international protection may be lodged ☐ . ☐	tasks and responsibilities and ☐ [...] ☐ instructions ☐ to inform applicants where and how applications for international protection may be lodged ☐ . ☐
		☐ [...] ☐	☐ [...] ☐
		☐ [...] ☐	☐ [...] ☐
2. Member States shall ensure that a person who wishes to make an application for international protection has an effective opportunity to lodge the application as soon as possible.	2. Member States shall ensure that a person who wishes to make an application for international protection has an effective opportunity to lodge the application as soon as possible. <i>Where applicants are unable to lodge their application in person, Member States shall ensure that a legal representative is able to lodge the application on their behalf.</i>	☐ 2 ☐ ☐ [...] ☐. ☐ [...] ☐ Member States shall ensure that ☐ a person who has made a request for international protection has an effective opportunity to lodge his/her application as soon as possible. Where the applicant does not avail himself/herself of this opportunity, ☐ Member States may apply ☐ ☐ [...] ☐ Article 28 of this Directive ☐ accordingly ☐ . ☐	☐ 2 ☐ ☐ [...] ☐. ☐ [...] ☐ Member States shall ensure that ☐ a person who has made a request for international protection has an effective opportunity to lodge his/her application as soon as possible. Where the applicant does not avail himself/herself of this opportunity, ☐ Member States may apply ☐ ☐ [...] ☐ Article 28 of this Directive ☐ accordingly ☐ . ☐
3. When a person declares his/her wish to make an application for	3. When a person declares his/her wish to make an application for		





international protection, Member States shall ensure that the fact that that person is an applicant is registered as soon as possible and no later than 72 hours after such declaration.	international protection, Member States shall ensure that the fact that that person is an applicant is registered as soon as possible and no later than 72 hours after such declaration.		
		<p>3. Member States may require that applications for international protection be lodged in person and/or at a designated place, without prejudice to</p> <p>paragraph</p> <p>[...] 2 [...] .</p>	<p>3. Member States may require that applications for international protection be lodged in person and/or at a designated place, without prejudice to</p> <p>paragraph</p> <p>[...] 2 [...] .</p>
		<p>4. Without prejudice to paragraph 3, an application for international protection shall be deemed to have been lodged [...] once</p>	<p>4. Without prejudice to paragraph 3, an application for international protection shall be deemed to have been lodged [...] once</p>
		<p>(a) [...] a form submitted by the applicant , or</p>	<p>(a) [...] a form submitted by the applicant , or</p>
		<p>(b) where [...]</p>	<p>(b) where [...]</p>

account relevant guidelines developed by the European Asylum Support Office.	account relevant guidelines developed by the European Asylum Support Office.		
4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days.	4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days <i>after notification to the Commission of the reasons why registration is not possible within the time limit laid down in paragraph 1.</i>	<p>5. [...] .</p> <p>Where the simultaneous [...] request for international protection by a large number of third country nationals or stateless persons [...] makes it very difficult [...] in practice to respect the [...] time limit laid down in paragraph 1 [...], Member States may provide for that time limit to be extended to [...] working days.</p>	<p>5. [...] .</p> <p>Where the simultaneous [...] request for international protection by a large number of third country nationals or stateless persons [...] makes it very difficult [...] in practice to respect the [...] time limit laid down in paragraph 1 [...], Member States may provide for that time limit to be extended to [...] working days.</p>
2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum		2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum	

on his/her own behalf.		on his/her own behalf.	
3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.		3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	
Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.		Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.	
4. Member States may determine in national legislation		4. Member States may determine in national legislation	
(a) the cases in which a minor can make an application on		(a) the cases in which a minor can make an application on	

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

competent authority.		competent authority.	
<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>	<p>Outcome trilogues: take Council text for Article 7.</p> <p><i>Article 7</i></p>
Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors	Applications made on behalf of dependants or minors
<p>1. 2. Member States shall ensure that each adult having legal capacity has the right to make an application for ⇒ international protection ⇐ asylum on his/her own behalf.</p>	<p>1. Member States shall ensure that each adult having legal capacity has the right to make an application for international protection on his/her own behalf.</p>	<p>1. 2. Member States shall ensure that each adult having legal capacity has the right to make an application for ⇒ international protection ⇐ asylum on his/her own behalf.</p>	<p>1. 2. Member States shall ensure that each adult having legal capacity has the right to make an application for ⇒ international protection ⇐ asylum on his/her own behalf.</p>
<p>2. 3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an</p>	<p>2. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an</p>	<p>2. 3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an</p>	<p>2. 3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an</p>

<p>opportunity to make an application on their own behalf.</p>	<p>opportunity to make an application on their own behalf.</p>	<p>opportunity to make an application on their own behalf.</p>	<p>opportunity to make an application on their own behalf.</p>
<p>Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. ⇒ Before consent is requested, each adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection. ⇐</p>	<p>Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. Before consent is requested, each adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection.</p>	<p>Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. ⇒ Before consent is requested, each  <u>dependant</u>  adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection. ⇐</p>	<p>Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. ⇒ Before consent is requested, each  <u>dependant</u>  adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection. ⇐</p>
<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the</p>	<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the</p>	<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the</p>	<p>3. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf, if he/she has the legal capacity to act in procedures according to the national law of the</p>

Member State concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or a representative.	Member State concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or a representative. <i>In all other cases, paragraph 4 shall apply.</i>	Member State concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or ➡ through ◀ a representative.	Member State concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or ➡ through ◀ a representative.
4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council ¹ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal	4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council <i>of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals</i> have the right to lodge an application for	4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council ² have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal	4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council ³ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal

¹ OJ L 348, 24.12.2008, p. 98

² OJ L 348, 24.12.2008, p. 98

³ OJ L 348, 24.12.2008, p. 98

situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].
5. 4 Member States may determine in national legislation:	5. Member States may determine in national legislation:	5.4 Member States may determine in national legislation:	5.4 Member States may determine in national legislation:
(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;
(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 47 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 47 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 47 (1)(a);

(c) the cases in which the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.	■	(c) the cases in which the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.	(c) the cases in which the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.
Article 8	Article 8	Article 8	Article 8 <u>Outcome trilogues as part of overall compromise:</u>
Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities	Information and counselling at border crossing points and in detention facilities
1. Member States shall ensure that information on the possibility to request international	1. Member States shall ensure that information on the possibility to request international	1. Member States shall ensure that information on the possibility to request international	1. Where there are indications that third-

<p>protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>protection is available in detention facilities and at border crossing points, including transit zones, at external borders ☞, <u>in response to an enquiry from the third country national or stateless person in this respect</u> ☞.</p> <p>☞ <u>In these detention facilities and border areas,</u> ☞ Member States shall provide interpretation arrangements to the extent necessary to facilitate access to ☞ <u>the</u> ☞ <u>procedure</u> ☞ <u>concerning international protection</u> ☞ ☞ <u>[...]</u> ☞.</p>	<p>country nationals or stateless persons detained in detention facilities or present at border crossings, including transit zones at external borders, may wish to make a request for international protection, Member States shall provide them with ☞, <u>in response to an enquiry from the third country national or stateless person in this respect</u> ☞ information on the possibility to do so request international protection. ☞ <u>In these detention facilities and border areas,</u> ☞ Member States shall provide interpretation arrangements to the extent necessary to facilitate access to ☞ <u>the</u> ☞ <u>procedure</u> ☞ <u>concerning international protection</u> ☞ ☞ <u>[...]</u> ☞.</p>
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<p>2. Member States shall ensure that organisations providing advice and counselling to applicants for international protection have access to the border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations in these areas and that such access is subject to an agreement with the competent authorities of the Member State.</p>	<p>2. Member States shall ensure that organisations providing <i>legal assistance and/or representation</i> to applicants for international protection have <i>swift</i> access to the border crossing points, including transit zones, <u>and detention facilities</u> at external borders. Member States may provide for rules covering the presence of such organizations in these areas, <i>as long as they do not limit access by applicants to advice and counselling</i>.</p>	<p>2. Member States shall ensure that organisations <u>and persons</u> providing advice and counselling to applicants for international protection have access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> <u>The rules may also impose limitations</u> <u>due to the security, public order and administrative management of</u> <u>the area concerned</u>.</p>	<p>2. Member States shall ensure that organisations <u>and persons</u> providing advice and counselling to applicants for international protection have effective access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> <u>Limits on access may be imposed only, where, by virtue of national law, they are objectively necessary for</u> <u>The rules may also impose limitations</u></p>
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			<p> due to the security, public order or and administrative management of the area concerned provided that access is not thereby severely limited or rendered impossible </p>
<i>Article 9</i>	<i>Article 9</i>	<i>Article 9</i>	
Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	
<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to</p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a <i>final</i> decision, <i>including in cases where an applicant lodges an appeal, and for as long</i></p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to</p>	<p>Outcome trilogues: take Cion/Council text for Article 9(1).</p>

remain shall not constitute an entitlement to a residence permit.	<i>as a competent court or tribunal so authorises</i> . This right to remain shall not constitute an entitlement to a residence permit.	remain shall not constitute an entitlement to a residence permit.	
2. Member States can make an exception only where in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant ¹ or otherwise, or to a third country, ⇒ with the exception of the country of origin of the applicant concerned, ⇐ or to	2. Member States can make an exception only where a person makes a subsequent application referred to in Article 41 or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant or otherwise, or to a third country, with the exception of the country of origin of the applicant concerned, or to international criminal courts or tribunals.	2. Member States can make an exception only where in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant ² or otherwise, or to a third country ➡ [...]⦿ or to international criminal courts or tribunals.	<u>Following the shadow meeting of 17 December, take Council text</u>

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

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

international criminal courts or tribunals.			
3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where the competent authorities are satisfied that an extradition decision will not result in <i>refoulement</i> in violation of international obligations of the Member State.	3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where an extradition decision will not result in direct or indirect <i>refoulement</i> in violation of international obligations of the Member State or expose the applicant to inhuman or degrading treatment upon arrival in the third country.	3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where the competent authorities are satisfied that an extradition decision will not result in direct or indirect <i>refoulement</i> in violation of international obligations of the Member State.	<u>Outcome trilogue: take Cion / Council text.</u>
<i>Article <u>10</u> ⁸</i>	<i>Article <u>10</u></i>	<i>Article <u>10</u> ⁸</i>	
Requirements for the examination of applications	Requirements for the examination of applications	Requirements for the examination of applications	
1. Without prejudice to Article 23(4)(i), Member States shall ensure that applications for ⇒ international protection ⇐ asylum are neither rejected nor excluded from	1. Member States shall ensure that applications for international protection are neither rejected nor excluded from examination on the sole ground that they have not been made as	1. Without prejudice to Article 23(4)(i), Member States shall ensure that applications for ⇒ international protection ⇐ asylum are neither rejected nor excluded from	<u>Identical.</u>

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

impartially;	impartially;	impartially;	
<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the European Asylum Support Office, the United Nations High Commissioner for Refugees (UNHCR) and international human rights organisations, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	<p><u>Outcome trilogues</u></p> <p>(b) precise and up-to-date information is obtained from various sources, such as the European Asylum Support Office, the United Nations High Commissioner for Refugees (UNHCR) and relevant international human rights organisations, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel</p>

	taking decisions.		responsible for examining applications and taking decisions.
(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law; ³ ₃	(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law <i>as well as human rights law and have completed the initial and follow-up training programme referred to in Article 4(1);</i>	(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law; ³ ₃	<u>Outcome trilogues: take Cion/Council text.</u>
(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever	(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever	(d) the personnel examining applications and taking decisions ³ [...] ₃ have the possibility to seek advice, whenever necessary, from	<u>Following the shadow meeting of 17 December, take Council text.</u>

necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues.	necessary, from experts on particular issues, such as medical, cultural, religious, child-related, gender <i>or sexual orientation</i> issues.	experts on particular issues, such as medical, cultural, religious, child-related or gender issues.	
	(e) <i>the applicant and his/her legal advisor have access to information provided by the experts referred to in point (d).</i>		<u>Outcome trilogues: include EP AM in Article 12(1)(d).</u>
4. 2 The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	4. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 (b), necessary for the fulfilment of their task.	4. 2 The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	<u>Identical</u>
5. 4 Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents	5. Member States shall provide for rules concerning the translation of documents	5. 4 Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents	<u>Identical</u>

relevant for the examination of applications.	relevant for the examination of applications.	relevant for the examination of applications.	
<i>Article <u>11</u> 9</i>	<i>Article <u>11</u></i>	<i>Article <u>11</u> 9</i>	
Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	
1. Member States shall ensure that decisions on applications for international protection ⇨ asylum are given in writing.	1. Member States shall ensure that decisions on applications for international protection are given in writing.	1. Member States shall ensure that decisions on applications for international protection ⇨ asylum are given in writing.	<u>Identical</u>
2. Member States shall also ensure that, where an application is rejected ⇨ with regard to refugee status and/or subsidiary protection status ⇨ , the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.	2. Member States shall also ensure that, where an application is rejected or granted with regard to refugee status and/or subsidiary protection status, the reasons in fact and in law are clearly stated in the decision and information on how to challenge a negative decision is given in writing at the time of issuing the decision and signed upon receipt by	2. Member States shall also ensure that, where an application is rejected ⇨ with regard to refugee status and/or subsidiary protection status ⇨ , the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.	<u>Outcome trilogues: take Cion/Council text.</u>

	<i>the recipient.</i>		
Member States need not state the reasons for not granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.		Member States need not state the reasons for not granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.	
Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier	I	Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier	<u>Outcome trilogues: take Cion/Council text.</u> ¶

stage either in writing or by electronic means accessible to the applicant.		stage either in writing or by electronic means accessible to the applicant.	
<p>3. For the purposes of Article <u>7(2) 6(2)</u>, and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒ , unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	<p>3. For the purposes of Article 7(2), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution. <u>In such cases, a separate decision shall be issued to the person concerned.</u></p>	<p>3. For the purposes of Article <u>7(2) 6(2)</u>, and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒ , unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	<p><u>Outcome trilogues : take EP text.</u></p> <p>3. For the purposes of Article 7(2), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution. In such cases, a separate decision shall be issued to the person concerned.</p>

<i>Article 12 10</i>	<i>Article <u>12</u></i>	<i>Article 12 10</i>	<u>Outcome trilogues: take compromise text for Article 12 below.</u>
Guarantees for applicants for ⇒ international protection ⇐ asylum	Guarantees for applicants for international protection	Guarantees for applicants for ⇒ international protection ⇐ asylum	
1. With respect to the procedures provided for in Chapter III, Member States shall ensure that all applicants for ⇒ international protection ⇐ asylum enjoy the following guarantees:	1. With respect to the procedures provided for in Chapter III, Member States shall ensure that all applicants for international protection enjoy the following guarantees:	1. With respect to the procedures provided for in Chapter III, Member States shall ensure that all applicants for ⇒ international protection ⇐ asylum enjoy the following guarantees:	<u>Identical.</u>
(a) they shall be informed in a language which they ⇒ understand or ⇐ ☒ are ☒ may reasonably be supposed to understand of the procedure to be followed and of their rights and	(a) they shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during	(a) they shall be informed in a language which they ⇒ understand or ⇐ ☒ are ☒ may reasonably be supposed to understand of the procedure to be followed and of their rights and	<u>Identical.</u>

<p>obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive <u>[.../.../EU]</u> [the <u>Qualification Directive</u>] <u>2004/83/EC</u> ⇒ , as well as of the consequences of an explicit or implicit withdrawal of the application ⇐.</p> <p>This information shall be given in time to enable</p>	<p>the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive <u>[.../.../EU]</u> [the <u>Qualification Directive</u>], as well as of the consequences of an explicit or implicit withdrawal of the application. This information shall be given in time to enable them to exercise the rights guaranteed in this</p>	<p>obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive <u>[.../.../EU]</u> [the <u>Qualification Directive</u>] <u>2004/83/EC</u> ⇒ , as well as of the consequences of an explicit or implicit withdrawal of the application ⇐.</p> <p>This information shall be given in time to enable</p>	
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them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article <u>13</u> 11 ;	Directive and to comply with the obligations described in Article 13;	them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article <u>13</u> 11 ;	
(b) they shall receive the services of an interpreter for submitting their case to the competent authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant <input checked="" type="checkbox"/> is <input type="checkbox"/> to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 <input type="checkbox"/> 16, 17 and 34 <input type="checkbox"/> and appropriate	(b) they shall receive the services of an interpreter for submitting their case to the competent authorities whenever necessary. Member States shall consider it necessary to give these services at least when the applicant is to be interviewed as referred to in Articles 14, 15, 16, 17 and 34 and appropriate communication cannot be ensured without such services. In this	(b) they shall receive the services of an interpreter for submitting their case to the competent authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant <input checked="" type="checkbox"/> is <input type="checkbox"/> to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 <input type="checkbox"/> 16, 17 and 34 <input type="checkbox"/> and appropriate	<u>Identical.</u>

communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;	case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;	communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;	
(c) they shall not be denied the opportunity to communicate with the UNHCR or with any other organisation ⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of working on behalf of the UNHCR in the territory of the Member State	(c) they shall not be denied the opportunity to communicate with the UNHCR or with any other organisation providing legal advice or counselling to applicants for international protection in accordance with the national law of that Member State;	(c) they shall not be denied the opportunity to communicate with the UNHCR or with any other organisation ⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of working on behalf of the UNHCR in the territory of the Member State	<u>Identical.</u>

<p>pursuant to an agreement with that Member State;</p>		<p>pursuant to an agreement with that Member State;</p>	
<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that information into consideration for the purpose of taking a decision on their application;</p>	<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that information into consideration for the purpose of taking a decision on their application;</p>	<p>(d) they and, if applicable, their legal advisers shall not be denied ↪ in accordance with Article 23(1) ↪ shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority ↪ has taken ↪ that ↪ [...] that information into consideration for the purpose of taking a decision on their application;</p>	<p>(d) they and, if applicable, their legal advisers ↪ in accordance with Article 23(1) ↪ shall not be denied access to the information referred to in Article 10(3)(b) and to the information provided by the experts referred to in Article 10(3)(d), where the determining authority ↪ has taken ↪ that ↪ [...] that information into consideration for the purpose of taking a decision on their application;</p> <p><u>Modification of art 12(1)d) in response to EP AM on 10(3)(e)</u></p>

<p>(e) they shall be given notice in reasonable time of the decision by the determining authority on their application for ⇒ international protection ⇐ asylum. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for ⇒ international protection ⇐ asylum;</p>	<p>(e) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection;</p>	<p>(ee) they shall be given notice in reasonable time of the decision by the determining authority on their application for ⇒ international protection ⇐ asylum. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for ⇒ international protection ⇐ asylum;</p>	<p><u>Identical.</u></p>
<p>(f e) they shall be informed of the result of the decision by the determining authority in a language that they ⇒ understand or ⇐ ☒ are ☒ may</p>	<p>(f) they shall be informed of the result of the decision by the determining authority in a language that they understand or are reasonably</p>	<p>(fe) they shall be informed of the result of the decision by the determining authority in a language that they ⇒ understand or ⇐ ☒ are ☒ may</p>	<p><u>Identical.</u></p>

<p>reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> 9(2).</p>	<p>supposed to understand when they are not assisted or represented by a legal adviser or other counsellor. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article 11(2).</p>	<p>reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> 9(2).</p>	
<p>2. With respect to the procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) \Rightarrow, (d) \Leftarrow and (<u>e</u> d) of this Article.</p>	<p>2. With respect to the procedures provided for in Chapter V, Member States shall ensure that all applicants enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c), (d) and (e) of this Article.</p>	<p>2. With respect to the procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) \Rightarrow, (d) \Leftarrow and (<u>e</u> d) of this Article.</p>	<p><u>Identical</u></p>

<i>Article 13 11</i>	<i>Article <u>13</u></i>	<i>Article <u>13</u> 11</i>	
Obligations of the applicants for ⇒ international protection ⇐ asylum	Obligations of the applicants for international protection	Obligations of the applicants for ⇒ international protection ⇐ asylum	
<p>1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [...]/.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum ⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	<p>1. Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities <i>and to assist, to the extent of their physical and psychological capacities, in clarifying the situation and to reveal</i> their identity, <i>nationality</i> and other elements referred to in Article 4(2) of Directive [...]/.../EU] [the Qualification Directive] <i>to the competent authorities. If they are not in possession of a valid passport or a document in lieu of a passport, applicants shall be required to cooperate in obtaining</i></p>	<p>1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [...]/.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum ⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	<p><u>Outcome trilogues: take Council text.</u></p>

	<p><i>an identity document. So long as applicants are permitted to remain in the Member State under international protection during the consideration of the application, they shall not be required to enter into contact with authorities of their country of origin if there is reason to fear persecution by that state.</i> Member States may impose upon applicants other obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>		
2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	<u>Identical.</u>
(a) applicants for asylum are required to report to the competent authorities or to	(a) applicants are required to report to the competent authorities or to appear before them	(a) applicants for asylum are required to report to the competent authorities or to	<u>Identical.</u>

appear before them in person, either without delay or at a specified time;	in person, either without delay or at a specified time;	appear before them in person, either without delay or at a specified time;	
(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	<u>Identical.</u>
(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which	(c) applicants are required to inform the competent authorities of their current place of residence or address and of any changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated	(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which	<u>Identical.</u>

he/she indicated accordingly;	accordingly;	he/she indicated accordingly;	
(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ , provided the search is carried out by a person of the same sex ⇐ ;	(d) the competent authorities may search the applicant and the items he/she carries with him/her, provided the search is carried out by a person of the same sex <i>who is sensitive to the applicant's age and culture and fully respects the principle of human dignity and physical and mental integrity</i> ;	(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ ⇐ . <u>Whenever possible, a search of the applicant's person shall be ⇐ ⇐ [...] ⇐ carried out by a person of the same sex ⇐ ;</u>	<u>Outcome trilogues (following shadow meeting of 17 December)</u> <u>Related to recital (27a) new</u> (d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ ⇐ Without prejudice to any search carried out for security reasons . Whenever possible, a search of the applicant's person in the application of this Directive shall be ⇐ ⇐ [...] ⇐ carried out by a person of the same sex in full respect of the principles of human dignity and of physical and mental integrity ⇐ ;
(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	<u>Identical.</u>
(f) the competent authorities may	(f) the competent authorities may	(f) the competent authorities may	<u>Identical.</u>

record the applicant's oral statements, provided he/she has previously been informed thereof.	record the applicant's oral statements, provided he/she has previously been informed thereof.	record the applicant's oral statements, provided he/she has previously been informed thereof.	
<i>Article 14 12</i>	<i>Article <u>14</u></i>	<i>Article 14 12</i>	<p><u>Outcome trilogues: take the compromise text of Article 14 below.</u></p> <p><i>Article 14 12</i></p>
Personal interview	Personal interview	Personal interview	Personal interview
<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for</p>	<p>1. Before a decision is taken by the determining authority, the applicant shall be given the opportunity of a personal interview on his/her application for international protection <i>in a language which he/she understands</i> with a person competent under national law to conduct such an interview. Interviews on <i>the admissibility of an</i></p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for</p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for</p>

international protection shall be conducted by the personnel of the determining authority. ↵	<i>application for international protection and on</i> the substance of the application for international protection shall be conducted by the personnel of the determining authority.	international protection shall be conducted by the personnel of the determining authority. ↵	international protection shall be conducted by the personnel of the determining authority. ↵
		☞ This paragraph shall be without prejudice to Article 42(2)(b). ☞	☞ This paragraph shall be without prejudice to Article 42(2)(b). ☞
Member States may also give the opportunity of a personal interview to each dependant adult referred to in Article 6(3).		Member States may also give the opportunity of a personal interview to each dependant adult referred to in Article 6(3).	
Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that

<p>the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.</p>	<p>the personnel of another authority be temporarily involved in conducting such interviews <i>after notification to the Commission of the reasons why it is impossible in practice for the determining authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time-limit as laid down in Article 31(3)</i>. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive <i>as well as the training established and developed by the European Asylum Support Office</i>.</p>	<p>the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.</p>	<p>authority shall receive in advance the relevant training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010. Persons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which could adversely affect the applicants' ability to be interviewed, such as indications of possible past torture.</p>
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Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.	Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a personal interview.
Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	Member States <i>shall</i> determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview, <i>taking due account of the child's best interests and special needs.</i>	Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.
2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:
(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision with regard to refugee status on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or

<p>(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her with completing his/her application and submitting the essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or</p>		<p>(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her with completing his/her application and submitting the essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or</p>	
<p>(c) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a),</p>		<p>(c) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a),</p>	

(c), (g), (h) and (j) apply.		(c), (g), (h) and (j) apply.	
3. The personal interview may also be omitted where		3. The personal interview may also be omitted where	
<p><u>(b)</u> it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is</p>	<p>(b) the determining authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or permanent.</p>	<p><u>(b)</u> it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical</p>	<p><u>(b)</u> it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or ⇒ of enduring nature ⇐ of [...] ⇐ Member States may require a medical or psychological certificate.</p>





























temporary or permanent <input type="checkbox"/> Member States may require a medical or psychological certificate.		temporary or <input checked="" type="checkbox"/> of long-term nature <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/> Member States may require a medical or psychological certificate.	
Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u> , or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.	Where a personal interview is not conducted pursuant to point (b), or where applicable, with the dependant, <i>the determining authority shall allow</i> the applicant or the dependant <i>to reschedule the personal interview and</i> to submit further information.	Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u> , or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.	Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u> , or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.
<u>3.4</u> 4 The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision		<u>3.4</u> 4 The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision	<u>3.4</u> 4 The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision

on an application for ⇒ international protection ⇐ asylum .		on an application for ⇒ international protection ⇐ asylum .	on an application for ⇒ international protection ⇐ asylum .
4. 5. The absence of a personal interview pursuant to paragraph 2(b) and (c) and paragraph 3 shall not adversely affect the decision of the determining authority.	4. The absence of a personal interview pursuant to paragraph 2(b) shall not adversely affect the decision of the determining authority.	4. 5. The absence of a personal interview pursuant to paragraph 2(b) and (c) and paragraph 3 shall not adversely affect the decision of the determining authority.	4. 5. The absence of a personal interview pursuant to paragraph 2(b) and (c) and paragraph 3 shall not adversely affect the decision of the determining authority.
5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. Irrespective of Article 28(1), Member States, when deciding on the application for international protection, may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.	5. 6. Irrespective of Article 28(1) 20(1) , Member States, when deciding on the application for ⇒ international protection ⇐ asylum , may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.

<i>Article <u>15</u> 12</i>	<i>Article <u>15</u></i>	<i>Article <u>15</u> 12</i>	<p><u>Outcome trilogues: take compromise text for Article 15 below in combination with new recital (15a) included in response to EP AM related to professionals working with the procedures of this directive.</u></p> <p><i>Article <u>15</u> 12</i></p>
Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview
1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.
2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.
3. Member States shall take	3. Member States shall take	3. Member States shall take	3. Member States shall take

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

Reception Conditions Directive] ⇐ insofar as it is possible to do so; <u>and</u>	Reception Conditions Directive]		
(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;	(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;	(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests ➤ <u>unless</u> <u>the determining</u> <u>authority deems</u> <u>that</u> ☹ ☹_☹ [...] ☹ <u>the</u> <u>request is</u> ☹ [...] ☹ <u>based on</u> <u>discriminatory</u> ☹ <u>grounds</u> ☹ ☹ [...] ☹☹ ;	(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests ➤ <u>unless</u> <u>the determining</u> <u>authority has</u> <u>reasons to believe</u> <u>deems that</u> ☹ ☹_☹ [...] ☹ <u>the</u> <u>request is</u> ☹ [...] ☹ <u>based on</u> <u>discriminatory</u> ☹ <u>grounds which</u> <u>are not related to</u> <u>difficulties on the</u> <u>part of the</u> <u>applicant to</u> <u>present the</u> <u>grounds of his/her</u> <u>application in a</u> <u>comprehensive</u>

			manner   [...]  ;
<p>(c) select a  competent  interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication  shall  need not necessarily take place in the language preferred by the applicant for  asylum  unless  if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate</p>	<p>(c) select a competent interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview and is required to comply with a code of conduct laying down the rights and duties of the interpreter. The communication shall take place in the language preferred by the applicant unless there is another language which he/she understands and in which he/she is able to communicate clearly. Wherever</p>	<p>(c) select  an   [...]  interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication  shall  need not necessarily take place in the language preferred by the applicant for  asylum  unless  if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate</p>	<p>(c) select  an   [...]  interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication  shall  need not necessarily take place in the language preferred by the applicant for  asylum  unless  if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate</p>

<p>⇒ clearly ⇐. ⇒ Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests ⇐;</p>	<p>possible, Member States shall provide an interpreter of the same sex if the applicant so requests;</p>	<p>⇒ clearly ⇐. ⇒ Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests ➡ <u>unless the determining authority deems that</u> ☐ ➡ ➡ [...] ☐ <u>the request is</u> ➡ [...] ☐ <u>based on discriminatory</u> ➡ <u>grounds</u> ☐ ➡ [...] ☐☐ ⇐;</p>	<p>⇒ clearly ⇐. ⇒ Wherever possible, Member States shall provide an interpreter of the same sex if the applicant concerned so requests ➡ <u>unless the determining authority has reasons to believe deems that</u> ☐ ➡ ➡ [...] ☐ <u>the request is</u> ➡ [...] ☐ <u>based on discriminatory</u> ➡ <u>grounds which are not related to difficulties on the part of the applicant to present the grounds of his/her application in a comprehensive manner</u> ☐ ➡ [...] ☐☐ ⇐;</p>
<p>(d) ensure that the person who</p>	<p>(d) ensure that the person who</p>	<p>(d) ensure that the person who</p>	<p>(d) ensure that the person who</p>

conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;	conducts an interview on the substance of an application for international protection does not wear <u>a uniform</u> ;	conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;	conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;
(e) ensure that interviews with minors are conducted in a child appropriate manner.	(e) ensure that interviews with minors are conducted in a child appropriate manner <i>and by a person with the necessary knowledge of the special needs and rights of minors.</i>	(e) ensure that interviews with minors are conducted in a child appropriate manner.	(e) ensure that interviews with minors are conducted in a child appropriate manner.
4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.
5. This Article is also applicable to the meeting referred to in Article 12(2)(b).		5. This Article is also applicable to the meeting referred to in Article 12(2)(b).	

<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>	Outcome trilogues: <u>take Cion/Council text.</u>
Content of a personal interview	Content of a personal interview	Content of a personal interview	Content of a personal interview
When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure <u>that the questions addressed to the applicant are relevant to the assessment of whether he/she is in need of international protection in accordance with Directive [...]/.../EU] [the Qualification Directive]</u> and that the applicant is given an adequate opportunity to present elements needed to substantiate the application as completely as possible. This shall include <u>an adequate</u> opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU] [the Qualification Directive] as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.

Article 14		Article 14	
Status of the report of a personal interview in the procedure		Status of the report of a personal interview in the procedure	
1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms of Article 4(2) of Directive 2004/83/EC.		1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms of Article 4(2) of Directive 2004/83/EC.	
2. Member States shall ensure that applicants have timely access to the report of the personal interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared		2. Member States shall ensure that applicants have timely access to the report of the personal interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared	

and lodged in due time.		and lodged in due time.	
3. Member States may request the applicant's approval of the contents of the report of the personal interview.		3. Member States may request the applicant's approval of the contents of the report of the personal interview.	
Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.		Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.	
The refusal of an applicant to approve the contents of the report shall not prevent the determining authority from taking a decision on his/her application.		The refusal of an applicant to approve the contents of the report shall not prevent the determining authority from taking a decision on his/her application.	
4. This Article is also applicable to the meeting referred to in Article 12(2)(b).		4. This Article is also applicable to the meeting referred to in Article 12(2)(b).	

<i>Article 17</i>	<i>Article 17</i>	<i>Article 17</i>	<p>Outcome trilogues: take <u>compromise text below.</u> For paragraph 3, see shadow <u>meeting of 17 December 2012.</u></p> <p><i>Article 17</i></p>
Report and recording of personal interviews	Transcript, <i>report and recording of personal interviews</i>	Report and recording of personal interviews	Report and recording of personal interviews
1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a <i>transcript</i> is made of every personal interview, <i>unless the interview is audio or audio-visually recorded.</i>	1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a thorough and factual report containing all substantial elements or a transcript is made of every personal interview.
2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording of the personal interview is annexed to the report.	2. Member States may provide for audio or audio-visual recording of the personal interview <i>with the consent of the applicant.</i> In this case, <i>in no way the refusal of an applicant to consent to the recording of his/her personal interview shall prevent the determining authority from taking a</i>	2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording or a transcript of the personal interview is available in connection with the applicant's file	2. Member States may provide for audio or audio-visual recording of the personal interview. In this case an audio or an audio visual recording of the interview is made, Member States shall ensure that the recording or a transcript of the

	<p><i>decision on the application and</i> Member States shall ensure that the recording of the personal interview is <i>admissible as evidence in procedures referred to in Chapter V.</i></p>	<p>☞ [...] ☞.</p>	<p>personal interview is ☞ <u>available in</u> <u>connection with the</u> <u>applicant's file</u> ☞ ☞ [...] ☞.</p>
<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. To that end, Member States shall ensure that the applicant is fully informed of the content of the report, with the assistance of an interpreter if necessary. Member States shall then request the approval of the applicant on the</p>	<p>3. Member States shall request the applicant's approval on the contents of the transcript at the end of the personal interview or within a specified time limit <i>taking into account the nature of the applicable procedure for granting international protection</i> before the determining authority takes a decision. To that end, Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the transcript.</p>	<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the report, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. ☞ <u>Member States may provide that, when there is no recorded interview, the applicant has the opportunity to make comments and/or provide clarifications in the report.</u> ☞ To that end, Member States shall</p>	<p>3. Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications orally and/or in writing with regard to any mistranslations or misconceptions appearing in the report <u>or the transcript</u>, at the end of the personal interview or within a specified time limit before the determining authority takes a decision. ☞ <u>Member States may provide that, when there is no recorded interview, the applicant has the opportunity to make comments and/or provide clarifications in</u></p>

























































content of the report.		<p>ensure that the applicant is fully informed of the ☞ [...] ☞ <u>substantial elements</u> ☞ of the report ☞ as referred to in paragraph 1 ☞, with the assistance of an interpreter if necessary. Member States shall then request the ☞ acknowledgement ☞ ☞ [...] ☞ of the applicant on the content of the report.</p>	<p>the report. ☞-To that end, Member States shall ensure that the applicant is fully informed of the content ☞ [...] ☞ ☞ substantial elements ☞ of the report ☞ as referred to in paragraph 1 or of the substantial elements of the transcript☞, with the assistance of an interpreter if necessary. Member States shall then request the ☞ acknowledgement ☞ ☞ [...] ☞ of the applicant to confirm that on the content of the report or the transcript correctly reflects the interview.</p>
Member States need not request the applicant's approval on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.		<p>Member States need not request the applicant's ☞ acknowledgement ☞ ☞ [...] ☞ on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in</p>	<p>When the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V, Member States need not request the applicant's ☞ confirmation ☞ that ☞ [...] ☞ on the content of</p>

		Chapter V.	the report or the transcript correctly reflects the interview. Without prejudice to Article 16, where Member States provide for a transcript and the recording of the interview, Member States need not allow to make comments and/or provide clarifications to the transcript. if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.
4. Where an applicant refuses to approve the content of the report, the reasons for this refusal shall be entered into the applicant's file.	4. Where an applicant refuses to approve the transcript , the reasons for this refusal shall be entered into the applicant's file.	4. Where an applicant refuses to ➤ <u>acknowledge</u> ➤ ➤ [...] ➤ the content of the report, the reasons for this refusal shall be entered into the applicant's file.	4. Where an applicant refuses to confirm that ➤ <u>acknowledge</u> ➤ ➤ [...] ➤ the content of the report or the transcript correctly reflects the interview, the reasons for this refusal shall be entered into the applicant's file.
The refusal of an applicant to approve the content of	The refusal of an applicant to approve the content of the transcript	The refusal of an applicant to ➤ <u>acknowledge</u> ➤	Such The refusal of an applicant to ➤ <u>acknowledge</u> ➤

the report shall not prevent the determining authority from taking a decision on the application.	shall not prevent the determining authority from taking a decision on <i>his/her</i> application.	☞ [...] ☞ the content of the report shall not prevent the determining authority from taking a decision on the application.	☞ [...] ☞ the content of the report shall not prevent the determining authority from taking a decision on the application.
	5. <u>Without prejudice to paragraphs 1 to 2, Member States may ensure that a written report is made of a personal interview, containing at least the essential information regarding the application, as presented by the applicant. In such cases, Member States shall ensure that the transcript of the personal interview or the recording is annexed to the report.</u>		
5. Applicants shall not be denied access to the report and, where applicable, the recording, before the determining authority takes a decision.	6. Applicants <i>and their legal adviser or other counsellor, as defined in article 23</i> , shall not be denied access to the <i>transcript or</i> , where applicable, the recording, before the determining	5. Applicants shall not be denied access to the report and, where applicable, the recording ☞ or transcript thereof ☞ , before the determining authority takes a decision.	5. Applicants <i>and their legal adviser or other counsellor, as defined in Article 23</i> , shall not be denied access to the report <i>or the transcript</i> and, where applicable, the recording ☞ <i>or</i>

	authority takes a decision.	<p>➤ <u>Where the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report is granted at the same time as the decision is made.</u> ©</p>	<p>transcript thereof © , before the determining authority takes a decision.</p> <p>Where Member States provide for both a transcript and a recording of the interview, Member States need not provide access to the recording in procedures at first instance referred to in Chapter III. In such cases, they shall provide access to the recording in procedures referred to in Chapter V.</p> <p>Without prejudice to paragraph 3, where ➤ Where <u>the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report or the transcript, and where applicable the recording, is granted at the same time as the</u></p>
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			<u>decision is made.</u> ☹
<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>	Outcome trilogues: take the <u>compromise text for Article 18 below.</u> <i>Article 18</i>
Medical reports	Medical reports	Medical ☹ examination ☹ ☹ [...] ☹	Medical ☹ examination ☹ ☹ [...] ☹
1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this	1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this	1. ☹ Where the <u>determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive], ☹</u> ☹ [...] ☹ ☹ Member States ☹ [...] ☹ shall ☹, subject to the applicant's consent, ☹ ☹ ☹ [...] ☹ arrange ☹ [...] ☹ for a medical examination ☹ ☹ of him/her ☹ concerning signs that might result from past persecution or	1. ☹ Where the <u>determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive], ☹</u> ☹ [...] ☹ ☹ Member States ☹ [...] ☹ shall ☹, subject to the applicant's consent, ☹ ☹ ☹ [...] ☹ arrange ☹ [...] ☹ for a medical examination ☹ ☹ of him/her ☹ concerning signs that might result from past persecution or

Article. If the applicant fails to submit the results of the medical examination within that time limit without good reasons, it shall not prevent the determining authority from taking a decision on the application for international protection.	Article. If the applicant fails to submit the results of the medical examination within that time limit without good reasons, it shall not prevent the determining authority from taking a decision on the application for international protection.	serious harm   [...]   [...]  .  Alternative y, Member States may  provide that   [...]  the applicant  arranges   [...]  for such a medical <u>examination.</u>	serious harm   [...]   [...]  .  Alternative y, Member States may  provide that   [...]  the applicant  arranges   [...]  for such a medical <u>examination.</u>
		 The medical  examinations mentioned in subparagraph 1   [...]  shall be carried out by qualified medical professionals  and the result thereof   [...]  shall be submitted to the determining authority  as soon as possible  .  Member States may designate the medical professionals who can carry out these medical examinations.   The applicant's refusal to undergo such a medical examination shall not prevent the determining	 The medical  examinations mentioned in subparagraph 1   [...]  shall be carried out by qualified medical professionals  and the result thereof   [...]  shall be submitted to the determining authority  as soon as possible  .  Member States may designate the medical professionals who can carry out these medical examinations.   The applicant's refusal to undergo such a medical examination shall not prevent the determining

		authority from taking a decision on the application for international protection. ☐	authority from taking a decision on the application for international protection. ☐
		☐ Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds. ☐	☐ Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds. ☐
		2. ☐ Member States shall ☐ [...] ☐, whenever relevant, ☐ ☐ inform applicants that they may on their own initiative and at their own cost arrange for ☐ a medical examination concerning signs that might result from past persecution or serious harm ☐ [...] ☐☐☐.	2. ☐ When no medical examination is carried out in accordance with paragraph 1, Member States shall ☐ [...] ☐ ☐, whenever relevant, ☐ ☐ inform applicants that they may on their own initiative and at their own cost arrange for ☐ a medical examination concerning signs that might result from past persecution or serious harm ☐ [...] ☐☐☐.
2. Without prejudice to paragraph 1, in cases	2. Without prejudice to paragraph 1, in cases		

<p>where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.</p>	<p>where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.</p>		
<p>3. Member States shall provide for relevant arrangements in order to ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations</p>	<p>3. Member States shall provide for relevant arrangements in order to ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations</p>	<p>➡ [...] ⬅</p>	<p>➡ [...] ⬅</p>

referred to in paragraph 2.	referred to in paragraph 2 <i>and that the less invasive medical examination is selected when the applicant is a minor.</i>		
4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.	4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.	☞ [...] ☞	<u>Outcome trilogues: take Council text.</u>
5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely affect the applicant's ability to be interviewed.	5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely affect the applicant's ability to be interviewed.	☞ [...] ☞	☞ [...] ☞
6. The results of medical examinations referred to	6. The results of medical examinations referred to	☞ 3 ☞ ☞ [...] ☞. The results of medical	☞ 3 ☞ ☞ [...] ☞. The results of medical

in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.	in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application. <u>They shall, in particular, be taken into account when establishing whether the applicant's statements are credible and sufficient.</u>	examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.	examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.
<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>	
Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	
1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the	1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the	1. ➡ <u>In procedures at first instance provided for in Chapter III</u> ☹ Member States shall ensure that ➡ [...] ☹, on request, ➡ <u>applicants are provided with legal and procedural information free of charge</u> ☹ ➡ [...] ☹. This shall include, at least, the	<u>Outcome trilogues: take Council text. Linked to global compromise.</u>

light of the applicant's particular circumstances and explanations of reasons in fact and in law in the event of a negative decision.	light of the applicant's particular circumstances, <i>preparation of the necessary procedural documents, including during the personal interview,</i> and explanations of reasons in fact and in law in the event of a negative decision.	provision of information on the procedure in the light of the applicant's particular circumstances. ➡ [...] ◐ ➡ In ◐ the event of a negative decision ➡, Member States shall also, on request, provide applicants with information - in addition to that given in accordance with Articles 11(2) and 12(1)(f) - in order to clarify the reasons of such decision and explain how it can be challenged ◐ ➡ [...] ◐.	
2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	2. The provision of legal and procedural information free of charge shall be subject to the conditions laid down in Article 21.	<u>Identical</u>

<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>	Outcome trilogues: take Council text for Article 20. <i>Article 20</i>
Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures	Free legal assistance and representation in appeals procedures
<u>1.</u> In the event of a negative decision by the determining authority, Member States shall ensure that free legal assistance and for representation is granted on request subject to the provisions of paragraph 3 ⇒ in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant. ⇐	1. Member States shall ensure that free legal assistance and representation is granted on request in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant.	<u>1.</u> In the event of a negative decision by the determining authority, Member States shall ensure that free legal assistance and for representation is granted on request subject to the provisions of paragraph 3 ⇒ in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant. ⇐	<u>1.</u> In the event of a negative decision by the determining authority, Member States shall ensure that free legal assistance and for representation is granted on request subject to the provisions of paragraph 3 ⇒ in appeals procedures provided for in Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the court or tribunal of first instance on behalf of the applicant. ⇐

2. Member States may also provide free legal assistance and/or representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	2. Member States may also provide free legal assistance and/or representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	2. Member States may also provide free legal assistance and/or representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.	2. Member States may also provide free legal assistance and/or representation in procedures at first instance provided for in Chapter III. In such cases, Article 19 shall not apply.
3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal to have no tangible prospect of success.	3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal to have no tangible prospect of success.	3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal <u>➤ or other competent authority</u> <u>➤</u> to have no tangible prospect of success.	3. Member States may provide that free legal assistance and representation not be granted if the applicant's appeal is considered by a court or tribunal <u>➤ or other competent authority</u> <u>➤</u> to have no tangible prospect of success.
		<u>➤ 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</u>	<u>➤ 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</u>



		<u>effective remedy before a court or tribunal against this decision.</u> ☐	<u>effective remedy before a court or tribunal against this decision.</u> ☐
In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In ☐ the application of this paragraph ☐ ☐ [...] ☐, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In ☐ the application of this paragraph ☐ ☐ [...] ☐, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.
4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.

<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>	Outcome trilogues: take <u>compromise text for Article 21</u> <u>below.</u> <i>Article 21</i>
Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation
1. Member States may provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20 are provided by non-governmental organisations, government officials, or specialised services of the State.	1. Member States may provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20 are provided by <i>specialised, suitably qualified and impartial legal advisers, counsellors, other qualified professionals or qualified</i> non governmental organisations <i>specifically designated by national</i>	1. Member States may provide that the legal and procedural information referred to in Article 19 is [...] provided by non-governmental organisations, government officials, or specialised services of the State.	1. Member States may provide that the legal and procedural information referred to in Article 19 is [...] provided by renumerated or non- remunerated professionals from non-governmental organisation, or professionals from government authorities officials , or specialised services of the State.

	<i>law to assist and represent asylum seekers.</i>		
	Member States <i>shall</i> allow <i>and facilitate the provision by</i> non-governmental organisations <i>of</i> free legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and/or Chapter V.		
		☞ Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under national law. ☞	☞ Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under national law. ☞
1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor,		1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor,	

admitted or permitted as such under national law, on matters relating to their asylum applications.		admitted or permitted as such under national law, on matters relating to their asylum applications.	
<p>2. 2 Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇨ free legal assistance and/or representation</p> <p>☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>	<p>2. Member States may provide that the provision of legal and procedural information free of charge referred to in Article 19 and free legal assistance and representation referred to in Article 20 are granted:</p>	<p>2. 2 Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇨ free legal assistance and/or representation</p> <p>☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>	<p>2. 2 Member States may provide in their national legislation that ⇨ the provision of legal and procedural information free of charge referred to in Article 19 and ⇨ free legal assistance and/or representation</p> <p>☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>
<p>(a) only for procedures before a court or tribunal in accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or</p>		<p>(a) only for procedures before a court or tribunal in accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or</p>	

(a b) only to those who lack sufficient resources; and/or	(a) only to those who lack sufficient resources; and/or	(a b) only to those who lack sufficient resources; and/or	(a b) only to those who lack sufficient resources; and/or
(b e) only ☒ through the services provided by ☒ to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for ⇒ international protection ⇐ asylum, and/or	(b) only <i>for</i> the services provided by legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for international protection.	(b e) only ☒ through the services provided by ☒ to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for ⇒ international protection ⇐ asylum, and/or	(b e) only ☒ through the services provided by ☒ to legal advisers or other counsellors specifically designated by national law to assist and/or represent applicants for ⇒ international protection ⇐ asylum, and/or
		☞ and that free legal assistance and representation referred to in Article 20 is granted ☹	☞ and that free legal assistance and representation referred to in Article 20 is granted ☹
		☞ (c) only for first time appeals procedures in accordance with Chapter V before a court or tribunal and not for any onward appeals or	☞ (c) only for first time appeals procedures in accordance with Chapter V before a court or tribunal of first instance and

		<p>reviews provided for under national law including rehearings or reviews of appeals. </p>	<p>not for any onward appeals or reviews provided for under national law including rehearings or reviews of appeals or the exceptions referred to in Article 41. </p> <p>Member States may also provide that free legal assistance and representation referred to in Article 20 is not granted to applicants who are no longer present on the territory in application of Article 41(2)(c).</p>
<p>(d) only if the appeal or review is likely to succeed.</p>		<p>(d) only if the appeal or review is likely to succeed.</p>	
<p>Member States shall ensure that legal assistance and/or</p>		<p>Member States shall ensure that legal assistance and/or</p>	

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

limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;	limits do not arbitrarily restrict access to the provision of legal and procedural information and legal assistance and representation;	limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;	limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;
(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.	(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.
<u>5. 6</u> Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by	5. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by	<u>5. 6</u> Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by	<u>5. 6</u> Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by

the applicant.	the applicant.	the applicant.	the applicant.
<i>Article 22</i>	<i>Article 22</i>	<i>Article 22</i>	Outcome trilogues: to take compromise text including EP AM for Article 22 below: <i>Article 22</i>
Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure	Right to legal assistance and representation at all stages of the procedure
1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative	1. Applicants shall be given the opportunity to consult, at their own cost, in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their applications for international protection, at all stages of the procedure, including following a negative decision.	1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative	1. Member States shall allow Applicants applicants for asylum ☒ shall be given ☒ the opportunity, at their own cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative

decision ⇐ .		decision ⇐ .	decision ⇐ .
2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V <i>in accordance with national law</i> .	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.	2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V in accordance with national law .
<i>Article <u>23</u> 16</i>	<i>Article <u>23</u></i>	<i>Article <u>23</u> 16</i>	Outcome trilogues: take <u>compromise text for Article 23 below:</u> <i>Article <u>23</u> 16</i>
Scope of legal assistance and representation	Scope of legal assistance and representation	Scope of legal assistance and representation	Scope of legal assistance and representation
1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who	1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who

<p>assists or represents an applicant for ⇒ international protection ⇐ asylum under the terms of national law, shall enjoy access to ⊗ the ⊗ such information in the applicant's file ⇒ upon which a decision is or will be made ⇐ as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is relevant to the examination of the application.</p>	<p>assists or represents an applicant for international protection under the terms of national law, shall enjoy access to the information in the applicant's file upon which a decision is or will be made.</p>	<p>assists or represents an applicant for ⇒ international protection ⇐ asylum under the terms of national law, shall enjoy access to ⊗ the ⊗ such information in the applicant's file ⇒ upon which a decision is or will be made ⇐ as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is relevant to the examination of the application.</p>	<p>assists or represents an applicant for ⇒ international protection ⇐ asylum under the terms of national law, shall enjoy access to ⊗ the ⊗ such information in the applicant's file ⇒ upon which a decision is or will be made ⇐ as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is relevant to the examination of the application.</p>
<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the</p>

<p>examination of applications <u>for of</u> ⇒ international protection ⇐ <u>asylum</u> by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>	<p>examination of applications for international protection by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, Member States shall:</p>	<p>examination of applications <u>for of</u> ⇒ international protection ⇐ <u>asylum</u> by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>	<p>examination of applications <u>for of</u> ⇒ international protection ⇐ <u>asylum</u> by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: ☒</p>
<p>(a) grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the</p>	<p>(a) grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the</p>	<p>(a) ➔ <u>make access to the information or sources in question available to the authorities referred to in Chapter V; ☐</u> ➔ [...] ☐</p>	<p>(a) ➔ <u>make access to the information or sources in question available to the authorities referred to in Chapter V; ☐</u> ➔ [...] ☐, and</p>

application or taking a decision to withdraw international protection;	application or taking a decision to withdraw international protection;		
<p><u>(b)</u> ☒ make ☒ access to the information or sources in question shall be available to the authorities referred to in Chapter V, except where such access is precluded in cases of national security.</p>	<p>(b) make access to the information or sources in question available to the authorities referred to in Chapter V.</p>	<p><u>(b)</u> ☐ <u>establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect, Member States may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ☐</u> ☐ [...] ☐;</p>	<p><u>(b)</u> ☐ <u>establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect, Member States may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ☐</u> ☐ [...] ☐;</p>

<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇨ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇨. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with Article 10(4) and Article 18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive].</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇨ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇨. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇨ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of Directive [.../.../EU] [the Reception Conditions Directive] ⇨. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby</p>
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severely limited or rendered impossible.		severely limited or rendered impossible.	severely limited or rendered impossible.
3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.	3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law, <i>or a qualified professional.</i>	3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.	3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law. Member States may stipulate that the legal adviser or other counsellor may only intervene at the end of the interview.
4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .	4. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article 25(1)(b).	4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .	4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> <u>17(1)(b)</u> .
4. Member States may provide that the applicant is allowed to bring with him/her to the personal		4. Member States may provide that the applicant is allowed to bring with him/her to the personal	

interview a legal adviser or other counsellor admitted or permitted as such under national law.		interview a legal adviser or other counsellor admitted or permitted as such under national law.	
Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may require the applicant to respond in person to the questions asked.	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may require the applicant to respond in person to the questions asked.	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may require the applicant to respond in person to the questions asked. ➡ <u>They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview.</u> Ⓒ	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may require the applicant to respond in person to the questions asked. ➡ <u>They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview.</u> Ⓒ
The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without	The absence of a legal adviser or other counsellor shall not prevent the <i>determining</i> authority from conducting the personal interview with the applicant, without	The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without	The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ➡ , without

prejudice to Article 25(1)(b) ⇐.	prejudice to Article 25(1)(b).	prejudice to Article 25(1)(b) ⇐.	prejudice to Article 25(1)(b) ⇐.
Article 24	Article 24	Article 24	Outcome trilogues: agreement on Article 24 <u>except for paragraph on derogations which is still pending.</u> Article 24
Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees	Applicants in need of special procedural guarantees
1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time. To that end, Member States may use the mechanism provided for in Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive].	1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time, <i>as soon as an application for international protection is lodged.</i> To that end, <i>Member States shall establish procedures in national law with a view to identifying whether the applicant has special needs and indicating the nature of such needs in accordance with Article 22 of Directive [...]/.../EU] (the Reception Conditions</i>	1. ☞ [...] Member States shall ☞ endeavour to identify applicants in need of ☞ [...] special procedural ☞ guarantees before a first instance decision is taken. ☞ [...]	1. ☞ [...] Member States shall assess within a reasonable period of time after an application for international protection is made whether the applicant is an applicant in need of special procedural guarantees ☞ endeavour to identify applicants in need of ☞ [...] special procedural ☞ guarantees before a first instance decision is taken. ☞ [...]

	<i>Directive)]</i> .		.
Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	☞ [...] ☞	☞ [...] ☞
2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available evidence.	2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available evidence. <u>Where needed, they shall be granted time extensions to enable them to submit evidence or take other necessary steps in the procedure.</u>	2. Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive ☞ ☞ [...] ☞ throughout ☞ the duration of ☞ the asylum procedure ☞ [...] ☞.	2. The assessment referred to in paragraph 1 may be integrated into existing national procedures and/or into the assessment referred to in Article 22 of Directive [...]/EU)(Reception Conditions Directive) and need not take the form of an administrative procedure. 3. Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need

			<p>of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive [...] throughout the duration of the asylum procedure [...] .</p>
<p>In cases where the determining authority considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, Article 31(6) and Article 32(2) shall not apply.</p>	<p>In cases where the determining authority considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, <u>the applicant shall be granted sufficient time and relevant support to prepare for a personal interview on the substance of his/her application. <i>Particular attention shall be given to those applicants who did not mention their</i></u></p>	<p>[...]</p>	<p>4.</p> <p><u>Pending</u></p> <p><u>See state of play 8.3.2013 on Articles 24-25 circulated and added at the end of this table</u></p> <p><u>Related to recital 23</u></p>

	<p><i>sexual orientation at the outset.</i></p> <p>Article 31(6) and Article 32(2) shall not apply.</p>		
	<p>3. <i>In accordance with the conditions laid down in Article 19 and 20 applicants with special needs shall enjoy free legal assistance in all procedures provided for in this Directive.</i></p>		<p><u>Agreed to delete EP amendment in the context of a possible overall agreement on paragraph 4.</u></p>
<p><i>Article <u>25</u> 17</i></p>	<p><i>Article <u>25</u></i></p>	<p><i>Article <u>25</u> 17</i></p>	<p><u>Outcome trilogues: take compromise text below.</u></p> <p><u>However, derogations in paragraph 6 remain pending</u></p> <p>Article <u>25</u> 17</p>
<p>Guarantees for unaccompanied minors</p>	<p>Guarantees for unaccompanied minors</p>	<p>Guarantees for unaccompanied minors</p>	<p>Guarantees for unaccompanied minors</p>
<p>1. With respect to all procedures provided for in this Directive and without prejudice to the</p>	<p>1. With respect to all procedures provided for in this Directive and without prejudice to the</p>	<p>1. With respect to all procedures provided for in this Directive and without prejudice to the</p>	<p><u>Identical</u></p> <p>1. With respect to all procedures provided for</p>

provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> <u>12</u> <u>and 14</u> , Member States shall:	provisions of Articles 14, 15, 16, and 17, Member States shall:	provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> <u>12</u> <u>and 14</u> , Member States shall:	in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ <u>and 17</u> <u>12</u> <u>and 14</u> , Member States shall
(a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive ⇐ with respect to the examination of the application. ⇒ The representative shall have the necessary expertise in the field of childcare and shall perform his/her duties in accordance with	(a) <i>immediately</i> take measures ■ to ensure that a representative represents and assists the unaccompanied minor to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive. <i>The unaccompanied minor shall be informed immediately of the appointment of the representative. In order to establish a level of trust with the unaccompanied minor and to ensure continuity</i>	(a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive ⇐ with respect to the examination of the application. ⇒ The representative ☞ [...] ☞ perform his/her duties in accordance with the principle of the best interests of the child ☞ <u>and shall</u>	<u>Identical</u> (a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive ⇐ with respect to the examination of the application. 2 ⇒ where possible under national law, ensure that the

<p>the principle of the best interests of the child. ⇐</p> <p>⊗ The ⊗ This representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception Conditions Directive</u>] <u>Article 19 of Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers</u>¹;</p>	<p><i>during the procedure, Member States shall ensure that the same representative is responsible for the unaccompanied minor, if possible during the entire procedure.</i></p> <p>The representative shall <i>be independent and impartial</i>, have the necessary expertise in the field of childcare, <i>a basic knowledge in asylum procedure</i> and shall perform his/her duties in accordance with the principle of the best interests of the child. The representative can also be the representative</p>	<p>have the necessary expertise to that end ☹ . ⇐</p> <p>⊗ The ⊗ This representative can also be the representative referred to in <u>Directive [...]/.../EU</u> [the <u>Reception Conditions Directive</u>] <u>Article 19 of Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers</u>²;</p>	<p>unaccompanied minor is informed immediately of the appointment of the representative, that the representative shall only be changed when necessary and that the The unaccompanied minor shall be informed immediately of the appointment of a representative. The representative shall ☹ [...] ☹ perform his/her duties in accordance with the principle of the best interests of the child ☹ and shall have the necessary expertise to that end ☹ . ⇐ The</p>
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¹ ~~OJL 31, 6.2.2003, p. 18.~~

² ~~OJL 31, 6.2.2003, p. 18.~~

	referred to in Directive [.../.../EU] [the Reception Conditions Directive];		<p>person acting as representative shall only be changed when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives.</p> <p>☒ The ☒ This representative can also be the representative referred to in <u>Directive</u> <u>[.../.../EU] [the</u> <u>Reception</u> <u>Conditions</u> <u>Directive]</u> <u>Article 19 of</u> <u>Directive</u> <u>2003/9/EC of 27</u> <u>January 2003</u> <u>laying down</u> <u>minimum</u> <u>standards for the</u></p>
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			<u>reception of asylum seekers¹</u>
<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall ensure that a</p> <p>representative and/or a legal adviser or other counsellor admitted as such under national law or qualified</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law</p>

¹ OJ L 31, 6.2.2003, p. 18.

are to be present at that interview and ⇒ have an opportunity ⇒ to ask questions or make comments, within the framework set by the person who conducts the interview.	<i>professional</i> are present at that interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview.	are to be present at that interview and ⇒ have an opportunity ⇒ to ask questions or make comments, within the framework set by the person who conducts the interview.	are to be present at that interview and ⇒ have an opportunity ⇒ to ask questions or make comments, within the framework set by the person who conducts the interview.
Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	<u>Identical</u> Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.
2. Member States may refrain from appointing a representative where the unaccompanied minor: (a) will in all likelihood reach the age of ⇒ 18 years ⇒ maturity before a decision at first instance is taken or		2. Member States may refrain from appointing a representative where the unaccompanied minor: (a) will in all likelihood reach the age of ⇒ 18 years ⇒ maturity before a decision at first instance is taken or	<u>Outcome trilogues: take Cion / Council text.</u> 2. Member States may refrain from appointing a representative where the unaccompanied minor: (a) will in all likelihood reach the age of ⇒ 18 years ⇒ maturity before a decision at first instance is taken or

(b) can avail himself, free of charge, of a legal adviser or other counsellor, admitted as such under national law to fulfil the tasks assigned above to the representative, or		(b) can avail himself, free of charge, of a legal adviser or other counsellor, admitted as such under national law to fulfil the tasks assigned above to the representative, or	
(c) is married or has been married.		(c) is married or has been married.	
3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.		3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.	
<u>3. 4</u> Member States shall ensure that:	3. Member States shall ensure that:	<u>3. 4</u> Member States shall ensure that:	<u>Outcome trilogues: take Cion / Council text for paragraph 3.</u>

			<u>3.4.</u> Member States shall ensure that:
(a) if an unaccompanied minor has a personal interview on his/her application for ⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇒ 16, ⇐ <u>17</u> , <u>and</u> ⇒ 34 ⇐ <u>12, 13</u> <u>and 14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;	(a) if an unaccompanied minor has a personal interview on his/her application for international protection as referred to in Articles 14, 15, 16, 17, and 34 that interview is conducted by a person who has the necessary knowledge of the special needs and rights of minors;	(a) if an unaccompanied minor has a personal interview on his/her application for ⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇒ 16, ⇐ <u>17</u> , <u>and</u> ⇒ 34 ⇐ <u>12, 13</u> <u>and 14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;	(a) if an unaccompanied minor has a personal interview on his/her application for ⇒ international protection ⇐ asylum as referred to in Articles <u>14</u> , <u>15</u> , ⇒ 16, ⇐ <u>17</u> , <u>and</u> ⇒ 34 ⇐ <u>12, 13</u> <u>and 14</u> , that interview is conducted by a person who has the necessary knowledge of the special needs of minors;
(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining	(b) an official with the necessary knowledge of the special needs and rights of minors prepares the decision by the	(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining	(b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining

authority on the application of an unaccompanied minor.	determining authority on the application of an unaccompanied minor.	authority on the application of an unaccompanied minor.	authority on the application of an unaccompanied minor.
4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection status provided for in Chapter IV.	4. Unaccompanied minors, together with <i>their appointed</i> representative, shall be provided, free of charge, <i>with respect to all procedures provided for in this Directive</i> , with legal and <i>advice on procedural and legal aspects and representation</i> .	4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection ➡ [...] provided for in Chapter IV.	<u>Outcome trilogues: take Council text.</u> <u>Linked to global compromise.</u>
5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or other relevant evidence, Member States still have	5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant evidence, Member States still have doubts concerning the	5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or other relevant ➡ <u>indications</u> ◀	<u>Outcome trilogues: take Council text.</u> 5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for ⇒ international protection ⇐ asylum ⇒ where, following general statements or

<p>doubts concerning the applicant's age. If those doubts persist after the medical examination, Member States shall assume that the applicant is a minor ⇐.</p>	<p>applicant's age. If those doubts persist after the medical examination, Member States shall assume that the applicant is a minor.</p>	<p>⇨ [...] ⇨, Member States ⇨ [...] ⇨ have doubts concerning the applicant's age. If ⇨ [...] ⇨ ⇨ thereafter ⇨ ⇨ [...] ⇨, Member States ⇨ are still in doubt concerning the applicant's age, they ⇨ shall assume that the applicant is a minor ⇐.</p>	<p>other relevant ⇨ indications ⇨ ⇨ [...] ⇨, Member States ⇨ [...] ⇨ have doubts concerning the applicant's age. If ⇨ [...] ⇨ ⇨ thereafter ⇨ ⇨ [...] ⇨, Member States ⇨ are still in doubt concerning the applicant's age, they ⇨ shall assume that the applicant is a minor ⇐.</p>
<p>Any medical examination shall be performed in full respect of the individual's dignity, selecting the less invasive examinations.</p>	<p>Any medical examination shall be performed in full respect of the individual's dignity, selecting <i>the most reliable and</i> the less invasive examinations <i>and carried out by qualified and impartial medical experts</i>.</p>	<p>Any medical examination shall be performed in full respect of the individual's dignity, selecting the ⇨ least ⇨ ⇨ [...] ⇨ invasive ⇨ examination ⇨ ⇨ [...] ⇨.</p>	<p><u>Outcome trilogues: take compromise below.</u></p> <p>Any medical examination shall be performed in full respect of the individual's dignity, selecting the ⇨ least ⇨ ⇨ [...] ⇨ invasive ⇨ examination ⇨ ⇨ [...] ⇨ and carried out by qualified medical professionals allowing, to the extent possible, for a reliable result.</p>

In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	<u>Identical</u> In cases where medical examinations are used, Member States shall ensure that:
(a) unaccompanied minors are informed prior to the examination of their application for ⇒ international protection ⇐ asylum , and in a language which they may reasonably be supposed to understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and	(a) unaccompanied minors are informed prior to the examination of their application for international protection, and in a language which they <i>may reasonably be supposed to</i> understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible	(a) unaccompanied minors are informed prior to the examination of their application for ⇒ international protection ⇐ asylum , and in a language ⇐ <u>that</u> ⇐ ⇐ [...] ⇐ they may reasonably be supposed to <u>understand</u> ⇐ <u>or</u> <u>are reasonably supposed to understand</u> ⇐ , of the possibility that their age may be determined by medical examination. This shall include	<u>Outcome trilogues: take Council text.</u> (a) unaccompanied minors are informed prior to the examination of their application for ⇒ international protection ⇐ asylum , and in a language ⇐ <u>that</u> ⇐ ⇐ [...] ⇐ they may reasonably be supposed to <u>understand</u> ⇐ <u>or</u> <u>are reasonably supposed to understand</u> ⇐ , of the possibility that

<p>the possible consequences of the result of the medical examination for the application for ⇒ international protection ⇐ asylum, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;</p>	<p>consequences of the result of the medical examination for the application for international protection, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;</p>	<p>information on the method of examination and the possible consequences of the result of the medical examination for the application for ⇒ international protection ⇐ asylum, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;</p>	<p>their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the application for ⇒ international protection ⇐ asylum, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;</p>
<p>(b) unaccompanied minors and/or their representatives consent to carry out an examination <input checked="" type="checkbox"/> being carried out <input checked="" type="checkbox"/> to</p>	<p>(b) unaccompanied minors and/or their representatives consent to an examination being carried out to determine the age</p>	<p>(b) unaccompanied minors and/or their representatives consent to carry out an examination <input checked="" type="checkbox"/> being carried out <input checked="" type="checkbox"/> to</p>	<p><u>Identical</u></p> <p>(b) unaccompanied minors and/or their representatives consent to carry out an examination</p>

determine the age of the minors concerned; and	of the minors concerned; and	determine the age of the minors concerned; and	☒ being carried out ☒ to determine the age of the minors concerned; and
(c) the decision to reject an application for ⇒ international protection ⇐ asylum from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.	(c) the decision to reject an application for international protection from an unaccompanied minor who refused to undergo this medical examination shall not be based on that refusal.	(c) the decision to reject an application for ⇒ international protection ⇐ asylum from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.	<u>Outcome trilogues: take Council text.</u> (c) the decision to reject an application for ⇒ international protection ⇐ asylum from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.
The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a	The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a	The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a	<u>Identical</u> The fact that an unaccompanied minor has refused to undergo such a medical examination shall not

decision on the application for ⇒ international protection ⇐ asylum .	decision on the application for international protection.	decision on the application for ⇒ international protection ⇐ asylum .	prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .
6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	⇒ [...] ⇐	6. Pending See state of play 8.3.2013 on <u>Articles 24-25 circulated and added at the end of this table</u>
7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.
<i>Article 26 48</i>	<i>Article <u>26</u></i>	<i>Article 26 48</i>	
Detention	Detention	Detention	
1. Member States shall not hold a person in detention for the sole reason that he/she is an	1. Member States shall not hold a person in detention for the sole reason that he/she is an	1. Member States shall not hold a person in detention for the sole reason that he/she is an	<u>Identical.</u>

<p>applicant for ⇒ international protection ⇐ asylum. ⇒ Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p>	<p>applicant for international protection. Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [.../.../EU] [the Reception Conditions Directive].</p>	<p>applicant for ⇒ international protection ⇐ asylum. ⇒ Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p>	
<p>2. Where an applicant for ⇒ international protection ⇐ asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review ⇒ in accordance with Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p>	<p>2. Where an applicant for international protection is held in detention, Member States shall ensure that there is a possibility of speedy judicial review in accordance with Directive [.../.../EU] [the Reception Conditions Directive].</p>	<p>2. Where an applicant for ⇒ international protection ⇐ asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review ⇒ in accordance with Directive [.../.../EU] [the Reception Conditions Directive] ⇐.</p>	<p><u>Identical</u></p>

	<i>Article 26a</i>		
	<i>Detention of minors</i>		<u>Agreed to delete EP amendment in the context of a possible overall agreement on Article 25(6).</u>
	<i>The detention of minors shall be strictly prohibited in all circumstances.</i>		
<i>Article <u>27</u> 19</i>	<i>Article <u>27</u></i>	<i>Article <u>27</u> 19</i>	
Procedure in ☒ the ☒ case of withdrawal of the application	Procedure in the case of withdrawal of the application	Procedure in ☒ the ☒ case of withdrawal of the application	
1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant explicitly withdraws his/her application for international protection, Member States shall ensure that the determining authority takes a decision to either	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority	<u>Outcome trilogues: take Cion/Council text.</u>

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

<p>Member States shall ensure that the determining authority takes a decision to either discontinue the examination or ⇨, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] and further to a personal interview, ⇨ reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC.</p>	<p>Member States shall ensure that the determining authority takes a decision to either discontinue the examination or, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] and further to a personal interview, reject the application, <i>if he/she in the addition to the above-mentioned reasons:</i></p> <ul style="list-style-type: none"> – <i>has refused to cooperate, or</i> – <i>has absconded illegally, or</i> – <i>in all likelihood has no right to international protection, or</i> 	<p>Member States shall ensure that the determining authority takes a decision to either discontinue the examination or ⇨, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU [the Qualification Directive] ⇨ [...] ⇨, ⇨ ⇨ [...] ⇨ reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC. ⇨ [...] ⇨</p>	
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	– <i>originates from or has transited via a safe third country in accordance with Article 38.</i>		
Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for ⇒ international protection ⇐ asylum in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for ⇒ international protection ⇐ asylum in particular when it is ascertained that:	<u>Identical</u>
(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive <u>[.../.../EU] [the Qualification Directive] 2004/83/EC</u> or has not appeared for an personal interview as provided for in Articles <u>14, 15,</u>	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive <u>[.../.../EU] [the Qualification Directive]</u> or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 of this	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive <u>[.../.../EU] [the Qualification Directive] 2004/83/EC</u> or has not appeared for an personal interview as provided for in Articles <u>14, 15,</u>	<u>Identical</u>

⇒ 16 ⇐ and 17 12 13 and 14 ☒ of this Directive ☒ , unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/ <u>her</u> control;	Directive, unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/her control;	⇒ 16 ⇐ and 17 12 13 and 14 ☒ of this Directive ☒ , unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/ <u>her</u> control;	
(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.	(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.	(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.	<u>Outcome trilogue (shadow meeting 17 December):</u> (b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate unless the applicant demonstrates that this was due to circumstances beyond his/her control.

For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.	<u>Identical.</u>
2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ ; unless the request is examined in accordance with Articles 32 and 34.	2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41. <i>Only one request for a case to be reopened may be submitted during an asylum procedure.</i>	2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ ; unless the request is examined in accordance with Articles 32 and 34.	<u>Outcome trilogues: take Council text and text below for the second subparagraph (shadow meeting 17 December).</u>
Member States may provide for a time limit ⇒ of at least one year ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application		Member States may provide for a time limit ⇒ of at least 6 months ⇐ ⇐ [...] ⇐ after which the applicant's case can no longer be re-opened	Member States may provide for a time limit ⇒ of at least 9 months ⇐ ⇐ [...] ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and

may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41. ⇐.		⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41. ⇐ ⇒ <u>Member States may provide that the applicant's case may be reopened only once. ☹.</u>	subject to the procedure referred to in Articles 40 and 41. ⇐ ⇒ <u>Member States may provide that the applicant's case may be reopened only once. ☹.</u>
Member States shall ensure that such a person is not removed contrary to the principle of non-refoulement.	Member States shall ensure that such a person is not removed contrary to the principle of non-refoulement.	Member States shall ensure that such a person is not removed contrary to the principle of non-refoulement.	<u>Identical</u>
Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	<u>Identical</u>
3. This Article shall be without prejudice to Regulation (EU) No [.../...] [the Dublin Regulation].	3. This Article shall be without prejudice to Regulation (EU) No [.../...] [the Dublin Regulation].	☹ [.../...] ☹	<u>Outcome trilogues</u> <u>Related to recital (42) and Articles 34(2) and 46(8).</u> 3. This Article shall be without prejudice to Regulation (EU) No [.../...] [the Dublin

			Regulation].
<i>Article <u>29</u> 21</i>	<i>Article <u>29</u></i>	<i>Article <u>29</u> 21</i>	
The role of UNHCR	The role of UNHCR	The role of UNHCR	
1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	<u>Identical.</u>
(a) to have access to applicants for ⇒ international protection ⇐ asylum , including those in detention ⇒ , at the border and ⇐ in in the in and in airport or port transit zones;	(a) to have access to applicants for international protection, including those in detention, at the border and in the transit zones;	(a) to have access to applicants for ⇒ international protection ⇐ asylum , including those in detention ⇒ , at the border and ⇐ in in the in and in airport or port transit zones;	<u>Identical.</u>
(b) to have access to information on individual applications for ⇒ international protection ⇐ asylum , on the course of the procedure and on the decisions taken, provided	(b) to have access to information on individual applications for international protection, on the course of the procedure and on the decisions taken, provided that the applicant	(b) to have access to information on individual applications for ⇒ international protection ⇐ asylum , on the course of the procedure and on the decisions taken, provided	<u>Identical.</u>

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

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

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

Chapter II.		Chapter II.	
2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination ➡ and within six months after the application is lodged ➡.	<u>Outcome trilogues: take Council text given that addition in Council text is the same as in paragraph 3 of the Cion/EP texts.</u>
		➡ <u>In cases in which an application is subject to the procedure laid down in Regulation (EU) [.../...] [the Dublin Regulation], the time limit of six months shall start to run from the moment the Member State responsible for its examination is determined in conformity with that Regulation, the applicant is on the territory of that Member State and has been taken in charge by the competent authority.</u> ➡	<u>Outcome trilogues : take Council text.</u>

3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. ☞ [...] ☞	<u>Outcome trilogues: (shadow meeting 17 December 2012)</u>
Member States may extend that time limit for a period not exceeding a further six months, where:	Member States may extend that time limit for a period not exceeding a further six months, where:	☞ [...] ☞ Member States may extend ☞ that ☞ [...] ☞ ☞ [...] ☞ time limit ☞ of six months ☞ for a period not exceeding a further ☞ twelve ☞ ☞ [...] ☞ months, where:	<u>Outcome trilogues: take compromise text below:</u> ☞ [...] ☞ Member States may extend ☞ that ☞ [...] ☞ ☞ [...] ☞ time limit ☞ of six months ☞ for a period not exceeding a further ☞ nine ☞ ☞ [...] ☞ months, where:
(a) complex issues of fact and law are involved;	(a) complex issues of fact and law are involved;	(a) complex issues of fact and ☞ /or ☞ law are involved;	<u>Outcome trilogues : take Council text.</u>
(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it ☞ very difficult ☞ ☞ [...] ☞ in	<u>Outcome trilogues: take Council text</u>

conclude the procedure within the six-month time-limit;	conclude the procedure within the six-month time-limit, <i>subject to the notification to the Commission</i> ;	practice to conclude the procedure within the six-month time-limit;	
(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	<u>Identical.</u>
			<u>Outcome trilogues: compromise text below</u> <p>Exceptionally, in duly justified circumstances, Member States may exceed the time limits laid down in this paragraph with a maximum of three months where it is necessary in order to ensure an adequate and complete examination of the application for international protection.</p>

<p>Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.</p>	<p>1 .</p>	<p>Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.</p>	<p><u>Outcome trilogue: compromise text below</u></p> <p>Member States may, without prejudice to Articles 13 and 18 [Qualification Directive], postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary. In such a case, Member States shall:</p> <ul style="list-style-type: none"> (a) conduct reviews of the situation in that country of origin at least every 6 months (b) inform within a reasonable time the applicants concerned of the reasons of the postponement; (c) inform within a reasonable time the Commission of the postponement of procedures for that country of origin.
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			In any event, Member States shall conclude the procedure within a maximum time limit of twenty one months from the lodging of the application.
<u>4.</u> Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall either:	4. Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall:	<u>4.</u> Member States shall ensure that, where a decision cannot be taken within six months, the applicant concerned shall either:	<u>Identical</u>
(a) be informed of the delay; ⇨ and ⇩ or	(a) be informed of the delay; and	(a) be informed of the delay; ⇨ and ⇩ or	<u>Identical</u>
(b) receive, upon his/her request, information on the ⇨ reasons for the delay and the ⇩ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant	(b) receive, upon his/her request, information on the reasons for the delay and the time-frame within which the decision on his/her application is to be expected.	(b) receive, upon his/her request, information on the ⇨ reasons for the delay and the ⇩ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant	<u>Identical</u>

concerned to take a decision within that time frame.		concerned to take a decision within that time frame.	
The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in accordance with national law.	The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in accordance with national law.	☞ [...] ☞	<u>Outcome trilogues: take Council text (deletion).</u>
<u>5. 2</u> Member States may prioritise or accelerate any an examination ☞ of an application for international protection ☞ in accordance with the basic principles and guarantees of Chapter II, including where the application is likely to be well founded or where the applicant has special needs;	5. <i>The determining authorities</i> may prioritise an examination of an application for international protection in accordance with the basic principles and guarantees of Chapter II:	<u>5. 2</u> Member States may prioritise or accelerate any an examination ☞ of an application for international protection ☞ in accordance with the basic principles and guarantees of Chapter II ☞ <u>in particular</u> ☞; including where the application is likely to be well founded or where the applicant has special needs;	<u>Outcome trilogues: take Council text for heading.</u>
(a) where the application is likely to be well founded;	(a) where the application is likely to be well founded;	(a) where the application is likely to be well founded;	<u>Identical.</u>

(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors;	(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors;	(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU [the Reception Conditions Directive], or is in need of special procedural guarantees, in particular unaccompanied minors.	<u>Identical.</u>
(c) in other cases with the exception of applications referred to in paragraph 6.	(c) in other cases with the exception of applications referred to in paragraph 6.	☞ [...] ☞.	<u>Outcome trilogues:</u> ☞ [...] ☞.
<u>6. 4</u> Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with	6. Member States may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated and/or conducted at the border in accordance with Article 43 if:	<u>6. 4</u> Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with	<u>Identical</u>


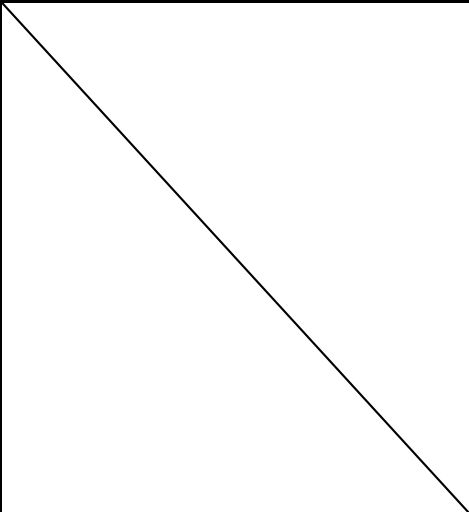
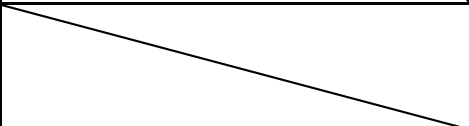
Article 43 ⇐ if:		Article 43 ⇐ if:	
<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee ⇐ or a person eligible for subsidiary protection ⇐ by virtue of Directive <u>[.../.../EU] [the Qualification Directive] 2004/83/EC</u>; or</p>	<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive <u>[.../.../EU] [the Qualification Directive]</u>; or</p>	<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee ⇐ or a person eligible for subsidiary protection ⇐ by virtue of Directive <u>[.../.../EU] [the Qualification Directive] 2004/83/EC</u>; or</p>	<p><u>Identical.</u></p>
	<p><i>aa) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive <u>[.../.../EU] [the Qualification</u></i></p>		<p><u>Outcome trilogues: take Cion / Council text</u></p>

	<i>Directive]; or</i>		
(b) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive 2004/83/EC; or		(b) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive 2004/83/EC; or	
(c) the application for asylum is considered to be unfounded;		(c) the application for asylum is considered to be unfounded;	
(b) i) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u> or	(b) the applicant is from a safe country of origin within the meaning of <u>this Directive</u>	(b) i) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u> or	<u>Identical.</u>
(ii) because the country which is not a Member State, is considered to be a safe third country		(ii) because the country which is not a Member State, is considered to be a safe third country	

for the applicant, without prejudice to Article 28(1); or		for the applicant, without prejudice to Article 28(1); or	
(c <u>d</u>) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	(c <u>d</u>) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	<u>Identical.</u>
(e) the applicant has filed another application for asylum stating other personal data; or		(e) the applicant has filed another application for asylum stating other personal data; or	
(d <u>f</u>) the applicant has not produced	(d) it is likely that, in bad faith, the	(d <u>f</u>) the applicant has not produced	<u>Identical.</u>

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






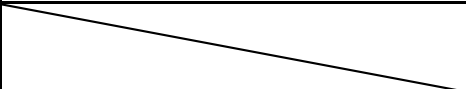
<p>making ⊗ which make his/her claim clearly unconvincing in relation to ⇒ whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of ⇐ his/her having being the object of persecution referred to in <u>Directive</u> <u>[.../.../EU] [the</u> <u>Qualification</u> 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

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

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

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

	<i>Article 12(1) and (2)(a), (b) and (c) of this Directive; or</i>		
	<i>(k) the applicant entered the territory of the Member State unlawfully or extended his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</i>	<div>➡ (f1) the applicant entered the territory of the Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or ➡</div>	<u>Identical.</u>
		<div>➡ (f2) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with Regulation (EU) [.../...]</div>	<u>Outcome trilogues: take Council text.</u>

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

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

			where it is necessary in order to ensure an adequate and complete examination of the application for international protection.
8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents or use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents <i>on entry</i> or <i>the</i> use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, ➡ [...] ⬅ shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.	<u>Pending</u> See state of play 8.3.2013 on <u>Articles 24-25 circulated and added at the end of this table, in particular new recital 16c.</u>
Article 24		Article 24	
Specific procedures		Specific procedures	
1. Member States may provide for the following specific procedures derogating from the basic principles and		1. Member States may provide for the following specific procedures derogating from the basic principles and	

guarantees of Chapter II		guarantees of Chapter II	
(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;		(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;	
(b) procedures for the purposes of processing cases considered within the framework set out in Section V.		(b) procedures for the purposes of processing cases considered within the framework set out in Section V.	
2. Member States may also provide a derogation in respect of Section VI.		2. Member States may also provide a derogation in respect of Section VI.	
<i>Article 32</i>	<i>Article 32</i>	<i>Article 32</i>	
Unfounded applications	Unfounded applications	Unfounded applications	
1. Without prejudice to Articles 27 19 and 20 , Member States may only consider an application for asylum as unfounded if the determining authority has established	1. Member States may only consider an application as unfounded if the determining authority has established that the applicant does not qualify for international	1. Without prejudice to Articles 27 19 and 20 , Member States may only consider an application for asylum as unfounded if the determining authority has established	<u>Outcome trilogues: take Cion / Council text.</u>

that the applicant does not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [.../.../EU] [the Qualification Directive] <u>2004/83/EC</u> .	protection status pursuant to Directive [.../.../EU] [the Qualification Directive].	that the applicant does not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [.../.../EU] [the Qualification Directive] <u>2004/83/EC</u> .	
2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article <u>31(6)</u> ⇒ (a) to (f) ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national legislation.	2. In cases of unfounded applications in which any of the circumstances listed in Article 31(6) (a) to (f) apply, Member States may also consider an application as manifestly unfounded, <u>following an adequate and complete examination.</u>	2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article <u>31(6)</u> ⇐ [...] ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national legislation.	<u>Outcome trilogues: take Council text</u>

SECTION II	SECTION II	SECTION II	
<i>Article <u>33</u> 25</i>	<i>Article <u>33</u></i>	<i>Article <u>33</u> 25</i>	
Inadmissible applications	Inadmissible applications	Inadmissible applications	
<p>1. In addition to cases in which an application is not examined in accordance with Regulation (EU) No [.../.../] [the Dublin Regulation] (EC) No 343/2003, Member States are not required to examine whether the applicant qualifies ⇒ for international protection ⇐ as a refugee in accordance with Directive [.../.../EU] [the Qualification Directive] 2004/83/EC where an application is considered inadmissible pursuant to this Article.</p>	<p>1. In addition to cases in which an application is not examined in accordance with Regulation (EU) No [.../.../] [the Dublin Regulation], Member States are not required to examine whether the applicant qualifies for international protection in accordance with Directive [.../.../EU] [the Qualification Directive] where an application is considered inadmissible pursuant to this Article.</p>	<p>1. In addition to cases in which an application is not examined in accordance with Regulation (EU) No [.../.../] [the Dublin Regulation] (EC) No 343/2003, Member States are not required to examine whether the applicant qualifies ⇒ for international protection ⇐ as a refugee in accordance with Directive [.../.../EU] [the Qualification Directive] 2004/83/EC where an application is considered inadmissible pursuant to this Article.</p>	<u>Identical.</u>
<p>2. Member States may consider an application</p>	<p>2. Member States may consider an application</p>	<p>2. Member States may consider an application</p>	<u>Identical.</u>

for ⇒ international protection ⇐ asylum as inadmissible ⇒ only ⇐ pursuant to this Article if:	for international protection as inadmissible only if:	for ⇒ international protection ⇐ asylum as inadmissible ⇒ only ⇐ pursuant to this Article if:	
(a) another Member State has granted refugee status;	(a) another Member State has granted refugee status;	(a) another Member State has granted international protection [...] ;	<u>Outcome trilogues: take Council text .</u> <u>Issue of deletion of "status" comes back in several APD-provisions and follows from the text of the Qualification Directive..</u>
(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35 26 ;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35 26 ;	<u>Identical.</u>
(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38 27 ;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38 27 ;	<u>Identical.</u>
(d) the applicant is allowed to remain in the Member		(d) the applicant is allowed to remain in the Member	

State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;		State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;	
(c) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);		(c) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);	
(d) ⇒ the application is a subsequent application, where no new elements or	d) the application is a subsequent application, where no new elements or	(d) ⇒ the application is a subsequent application, where no new elements or	<u>Identical</u>

findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;	findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant ;	findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;	
(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the	(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article 7(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the	(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(2) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the	<u>Identical.</u>

dependant's situation, which justify a separate application.	dependant's situation, which justify a separate application.	dependant's situation, which justify a separate application.	
<i>Article 34</i>	<i>Article 34</i>	<i>Article 34</i>	Outcome trilogues: take the <u>compromise</u> for Article 34 below. <i>Article 34</i>
Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview
1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, <i>the determining authority</i> shall conduct a personal interview on the admissibility of the application. Member States may make an	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible by the determining authority is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member

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

2. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].	2. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].	☞ [...] ☛	<u>Outcome trilogues:</u> 3. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation]. <u>Related to recital (42) and to the Articles 28(3) and 46(8).</u>
3. Member States shall ensure that the person who conducts the interview on the admissibility of the application does not wear a military or law enforcement uniform.	3. Member States shall ensure that the <i>member of staff of the determining authority</i> who conducts the interview on the admissibility of the application does not wear a uniform		<u>Outcome trilogues:</u> ☞ [...] ☛

SECTION III	SECTION III	SECTION III	
<i>Article 35 26</i>	<i>Article 35</i>	<i>Article 35 26</i>	.
The concept of first country of asylum	The concept of first country of asylum	The concept of first country of asylum	
A country can be considered to be a first country of asylum for a particular applicant for ⇒ international protection ⇐ asylum if:	A country can be considered to be a first country of asylum for a particular applicant for international protection if:	A country can be considered to be a first country of asylum for a particular applicant for ⇒ international protection ⇐ asylum if:	<u>Identical.</u>
(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	(a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection, or	<u>Identical</u>
(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non- <i>refoulement</i> ,	(b) he/she otherwise enjoys <i>effective</i> protection in that country, including benefiting from the principle of non- <i>refoulement</i> ,	(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non- <i>refoulement</i> ,	<u>Outcome trilogues: take Cion / Council text.</u>
provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	<u>Identical.</u>
In applying the concept of first country of asylum to the particular circumstances of an	In applying the concept of first country of asylum to the particular circumstances of an	In applying the concept of first country of asylum to the particular circumstances of an	<u>Outcome trilogues: take Cion / Council text.</u>

applicant for ⇒ international protection ⇐ asylum , Member States may take into account Article 38(1) <u>27(1)</u> . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	applicant for international protection, Member States <i>shall</i> take into account Article 38(1). The applicant shall be allowed to challenge the application of the first country of asylum concept <i>on the grounds that the first country of asylum in question is not safe in his or her particular case.</i>	applicant for ⇒ international protection ⇐ asylum , Member States may take into account Article 38(1) <u>27(1)</u> . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	
Article 27		Com proposal	
The safe third country concept			
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking asylum will be treated in accordance with the following principles in the third country concerned:			
(a) life and liberty are not threatened on account of race, religion, nationality;			

membership of a particular social group or political opinion;			
(b) the principle of non-refoulement in accordance with the Geneva Convention is respected;			
(c) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and			
(d) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention;			

2. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:			
(a) rules requiring a connection between the person seeking asylum and the third country concerned on the basis of which it would be reasonable for that person to go to that country;			
(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include			

<p>case by case consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be generally safe;</p>			
<p>(c) rules in accordance with international law, allowing an individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that he/she would be subjected to torture, cruel, inhuman or degrading</p>			

treatment or punishment.			
3. When implementing a decision solely based on this Article, Member States shall:			
(a) inform the applicant accordingly; and			
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.			
4. Where the third country does not permit the applicant for asylum to enter its territory, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in			

Chapter II:			
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.			
Article 28		Commission proposal	
Unfounded applications			
1. Without prejudice to Articles 19 and 20, Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does not qualify for refugee status pursuant to Directive 2004/83/EC.			
2. In the cases mentioned in Article 23(4)(b) and in cases of unfounded applications for asylum in which any of the			

<p>circumstances listed in Article 23(4)(a) and (e) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national legislation.</p>			
<p>Article 29</p>		Commission proposal	
<p>Minimum common list of third countries regarded as safe countries of origin</p>			
<p>1. The Council shall, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt a minimum common list of third countries which shall be regarded by Member States as safe countries of origin in accordance with Annex II.</p>			

<p>2. The Council may, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, amend the minimum common list by adding or removing third countries, in accordance with Annex II. The Commission shall examine any request made by the Council or by a Member State to submit a proposal to amend the minimum common list.</p>			
<p>3. When making its proposal under paragraphs 1 or 2, the Commission shall make use of information from the Member States, its own information and, where necessary, information from UNHCR, the Council of Europe and other relevant international organisations.</p>			

<p>4. Where the Council requests the Commission to submit a proposal for removing a third country from the minimum common list, the obligation of Member States pursuant to Article 31(2) shall be suspended with regard to this third country as of the day following the Council decision requesting such a submission.</p>			
<p>5. Where a Member State requests the Commission to submit a proposal to the Council for removing a third country from the minimum common list, that Member State shall notify the Council in writing of the request made to the Commission. The obligation of this Member State pursuant to Article 31(2) shall be suspended with regard to the third country as of the day following the</p>			

notification to the Council.			
6. The European Parliament shall be informed of the suspensions under paragraphs 4 and 5.			
7. The suspensions under paragraphs 4 and 5 shall end after three months, unless the Commission makes a proposal before the end of this period, to withdraw the third country from the minimum common list. The suspensions shall in any case end where the Council rejects a proposal by the Commission to withdraw the third country from the list.			
8. Upon request by the Council, the Commission shall report to the European Parliament and the Council on whether the situation of a country on the minimum			

common list is still in conformity with Annex II. When presenting its report, the Commission may make such recommendations or proposals as it deems appropriate.			
Article 30			
National designation of third countries as safe countries of origin		Commission proposal	
1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex II, for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum. This may include designation of part of a country as safe where the conditions in			

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

<p>retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>			
<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>			
<p>5. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in</p>			

particular information from other Member States, the UNHCR, the Council of Europe and other relevant international organisations.			
6. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.			
<i>Article 36 31</i>		<i>Article 36 31</i>	
The safe country of origin concept		The safe country of origin concept	<u>Outcome trilogues: Cion/Council text (shadow meeting 17 December 2012).</u>
1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the		1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the	

application, be considered as a safe country of origin for a particular applicant for asylum only if:		application, be considered as a safe country of origin for a particular applicant for asylum only if:	
(a) he/she has the nationality of that country; or	I	(a) he/she has the nationality of that country; or	
(b) he/she is a stateless person and was formerly habitually resident in that country;	I	(b) he/she is a stateless person and was formerly habitually resident in that country;	
and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive <u>[.../.../EU]</u> <u>[the Qualification Directive]</u> <u>2004/83/EC</u> .	I	and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive <u>[.../.../EU]</u> <u>[the Qualification Directive]</u> <u>2004/83/EC</u> .	

2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.		2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.	
<u>2. 2</u> Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.	■	<u>2. 2</u> Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.	
<i>Article 37</i>	■	<i>Article 37</i>	
National designation of third countries as safe countries of origin	■	National designation of third countries as safe countries of origin	Outcome trilogues: <u>Cion/Council text (shadow meeting 17 December 2012)</u>
1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex I <u>II</u>, for the national designation of third countries other than	■	1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex <u>III</u>, for the national designation of third countries other than	

<p>those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a country as safe where the conditions in Annex II are fulfilled in relation to that part.</p>		<p>those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a country as safe where the conditions in Annex II are fulfilled in relation to that part.</p>	
<p>2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum where they are satisfied that persons in the third countries concerned are generally neither subject to:</p>		<p>2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that allows for the national designation of third countries, other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum where they are satisfied that persons in the third countries concerned are generally neither subject to:</p>	

(a) persecution as defined in Article 9 of Directive 2004/83/EC; nor		(a) persecution as defined in Article 9 of Directive 2004/83/EC; nor	
(b) torture or inhuman or degrading treatment or punishment.		(b) torture or inhuman or degrading treatment or punishment.	
3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.		3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.	
4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the		4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the	

general political circumstances in the third country concerned.		general political circumstances in the third country concerned.	
2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with this Article.		2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with this Article.	
<u>3.</u> 3. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇨ the European Asylum Support Office, ⇨ the UNHCR, the Council of Europe and other relevant international organisations.		<u>3.</u> 3. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇨ the European Asylum Support Office, ⇨ the UNHCR, the Council of Europe and other relevant international organisations.	
<u>4.</u> 4. Member States shall notify to the Commission the countries that are designated as safe countries of origin in		<u>4.</u> 4. Member States shall notify to the Commission the countries that are designated as safe countries of origin in	

accordance with this Article.		accordance with this Article.	
<i>Article 38</i>	<i>Article 38</i>	<i>Article 38</i>	
The safe third country concept	The safe third country concept [First deleted, but reintroduced under European safe third country concept (old Article 37)]	The safe third country concept	<u>Outcome trilogues: Cion/Council text (shadow meeting 17 December 2012).</u>
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	1. <i>A third country may only be considered as a safe third country where</i> a person seeking international protection will be treated in accordance with the following principles and conditions in the third country concerned:	1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political	

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

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

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

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

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

Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.	accordance with the basic principles and guarantees described in Chapter II.	Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.	
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	■	5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	
	6. <i>Member States shall not designate national lists of safe countries of origin or national lists of safe third countries.</i>		
<i>Article 39</i>	<i>Article 39</i>	<i>Article 39</i>	
The European safe third <u>country countries</u> concept	■	The European safe third <u>country countries</u> concept	Outcome trilogue: take Cion/Council text plus new paragraph 2a.
1. Member States may	■	1. Member States may	

<p>provide that no, or no full, examination of the asylum application for ⇒ international protection ⇐ and of the safety of the applicant in his/her particular circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>		<p>provide that no, or no full, examination of the asylum application for ⇒ international protection ⇐ and of the safety of the applicant in his/her particular circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>	
<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>		<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>	
<p>(a) it has ratified and observes the provisions of the Geneva Convention</p>		<p>(a) it has ratified and observes the provisions of the Geneva Convention</p>	

without any geographical limitations;		without any geographical limitations;	
(b) it has in place an asylum procedure prescribed by law; <u>and</u>		(b) it has in place an asylum procedure prescribed by law; <u>and</u>	
(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; <u>and</u>		(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; <u>and</u>	
			<p><u>Outcome trilogues:</u></p> <p>2a. The applicant shall be allowed to challenge the application of the European safe third country concept on the grounds that the country is not safe in his/her particular</p>

			circumstances.
(d) it has been so designated by the Council in accordance with paragraph 3.		(d) it has been so designated by the Council in accordance with paragraph 3.	
3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.		3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.	
<u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the		<u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the	

principle of non-refoulement under the Geneva Convention , including providing for exceptions from the application of this Article for humanitarian or political reasons or for reasons of public international law.		principle of non-refoulement under the Geneva Convention , including providing for exceptions from the application of this Article for humanitarian or political reasons or for reasons of public international law.	
<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:		<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:	
(a) inform the applicant accordingly; and		(a) inform the applicant accordingly; and	
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.		(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.	
<u>65.</u> Where the safe third country does not re-		<u>65.</u> Where the safe third country does not re-	

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

SECTION IV	SECTION IV	SECTION IV	
<i>Article <u>40</u> 32</i>	<i>Article <u>40</u></i>	<i>Article <u>40</u> 32</i>	
Subsequent application	Subsequent application	Subsequent application	
<p>1. Where a person who has applied for ⇒ international protection ⇐ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇐ may examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements</p>	<p>1. Where a person who has applied for international protection in a Member State makes further representations or a subsequent application in the same Member State, that Member State shall examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the determining authority can take into account and consider all the elements underlying the further representations or</p>	<p>1. Where a person who has applied for ⇒ international protection ⇐ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇐ may examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements</p>	<p><u>Outcome trilogues: take Cion /Council text.</u></p>

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

<p><u>2.</u> 2. ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ⇐ a subsequent application for ⇒ international protection ⇐ asylum shall be subject first to a preliminary examination as to whether after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or findings ☒ have arisen or have been presented by the applicant which relate ☒ relating to the examination of whether ☒ the applicant ☒ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ⇐ by virtue of Directive [.../.../EU]</p>	<p><u>2.</u> For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), <u>Member States may apply a specific procedure as referred to in paragraph 3 of this Article, where a person makes a subsequent application for international protection:</u></p>	<p><u>2.</u> 2. ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ⇐ a subsequent application for ⇒ international protection ⇐ asylum shall be subject first to a preliminary examination as to whether after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or findings ☒ have arisen or have been presented by the applicant which relate ☒ relating to the examination of whether ☒ the applicant ☒ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ⇐ by virtue of Directive [.../.../EU]</p>	<p><u>Outcome trilogues: take Cion / Council text for paragraph 2.</u></p>
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<u>[the Qualification Directive] 2004/83/EC</u> have arisen or have been presented by the applicant.		<u>[the Qualification Directive] 2004/83/EC</u> have arisen or have been presented by the applicant.	
	(a) <u>after his/her previous application has been withdrawn by virtue of Article 27;</u>		
	(b) <u>after a final decision has been taken on the previous application.</u>		
	A subsequent application for international protection shall be subject first to a preliminary examination as to whether, <u>after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) on this application has been reached,</u> new elements or findings have arisen or have been presented by the applicant which relate to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive].		
<u>3. 4</u> If, following the	3. If the preliminary	<u>3. 4</u> If, following the	<u>Identical</u>

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

are other reasons why a procedure has to be re-opened.		are other reasons why a procedure has to be re-opened.	
4. 6. Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs <u>2 and 3</u> 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy pursuant to Article <u>46</u> 39 .		4. 6. Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs <u>2 and 3</u> 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy pursuant to Article <u>46</u> 39 .	<u>Outcome trilogues: take Cion / Council text.</u>
5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).		5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).	<u>Outcome trilogues: take Cion / Council text.</u>
6. 7. The procedure referred to in this Article may also be applicable in the case of;	6. The procedure referred to in this Article may also be applicable in the case of:	6. 7. The procedure referred to in this Article may also be applicable in the case of;	<u>Identical.</u>

<p><u>(a)</u> a dependant who lodges an application after he/she has, in accordance with Article <u>7(2) 6(3)</u>, consented to have his/her case be part of an application made on his/her behalf ⇨, and/or ⇨</p>	<p>(a) a dependant who lodges an application after he/she has, in accordance with Article 7(2), consented to have his/her case be part of an application made on his/her behalf,</p>	<p><u>(a)</u> a dependant who lodges an application after he/she has, in accordance with Article <u>7(2) 6(3)</u>, consented to have his/her case be part of an application made on his/her behalf ⇨, and/or ⇨</p>	<p><u>Identical.</u></p>
<p><u>(b)</u> ⇨ an unmarried minor who lodges an application after an application has been made on his/her behalf pursuant to Article 7(5)(c) ⇨ .</p>		<p><u>(b)</u> ⇨ an unmarried minor who lodges an application after an application has been made on his/her behalf pursuant to Article 7(5)(c) ⇨ .</p>	<p><u>Outcome trilogues: take Cion / Council text.</u></p>
<p>In ⇨ those cases ⇨ this case, the preliminary examination referred to in paragraph <u>2 3 of this Article</u> will consist of examining whether there are facts relating to the dependant's ⇨ or the unmarried minor's ⇨ situation which justify a</p>	<p>In those cases, the preliminary examination referred to in paragraph 2 will consist of examining whether there are facts relating to the dependant's situation which justifies a separate application.</p>	<p>In ⇨ those cases ⇨ this case, the preliminary examination referred to in paragraph <u>2 3 of this Article</u> will consist of examining whether there are facts relating to the dependant's ⇨ or the unmarried minor's ⇨ situation which justify a</p>	<p><u>Outcome trilogues: take Cion / Council text</u></p>

separate application.		separate application.	
<p>7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive.</p>	<p>7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive.</p>	<p>7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive.</p>	<p><u>Identical.</u></p>

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

		<u>his/her imminent removal from that Member State, or</u>	
	(aa) <u>provide that the application be subjected to the admissibility procedure in accordance with this Article and Article 30; and/or</u>		<u>Outcome trilogues: take Cion/ Council text .</u>
(b) <u>provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in such case, Member States may also derogate from the time limits normally applicable in accelerated procedures, in accordance with national legislation,</u>	(b) <u>provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in cases referred to in points (aa) and (c), Member States may also derogate from the time limits normally applicable in the admissibility and/or accelerated procedures, in accordance with national legislation,</u>	(b) <u>makes another request for international protection in the same Member State, following a final decision to consider a first subsequent application inadmissible pursuant to Article 40(5) or after a final decision to reject that application as unfounded,</u>	
		<u>Member States may make such an exception, only where ☞ [...] ☞ the determining authority</u>	

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

		☞, when the examination procedure is accelerated in accordance with Article 31(6)(f); ☞ ☞ and/or ☞,	
		(☞ (b) ☞ ☞ [...] ☞) derogate from the time limits normally applicable to admissibility procedures provided for in Articles 33 and 34, in accordance with national legislation. ☞;	
		(c) derogate from Article 46(7). ☞	NB Given Council text endorsed in Coreper on 6 June 2012, text of point (c) should be "derogate from Article 46(8)".
Article 33		Article 33	
Failure to appear		Failure to appear	
Member States may retain or adopt the procedure provided for in Article 32 in the case of an		Member States may retain or adopt the procedure provided for in Article 32 in the case of an	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

unfounded in relation to refugee status and/or subsidiary protection status,	unfounded in relation to refugee status and/or subsidiary protection status,	status and/or subsidiary protection status,	
(ii) i) to consider an application inadmissible pursuant to Article <u>33</u> 25 (2),	(ii) to consider an application inadmissible pursuant to Article 33(2),	(ii) i) to consider an application inadmissible pursuant to Article <u>33</u> 25 (2),	<u>Identical</u>
(iii) ii) taken at the border or in the transit zones of a Member State as described in Article <u>43(1)</u> 35(1) ,	(iii) taken at the border or in the transit zones of a Member State as described in Article 43(1),	(iii) ii) taken at the border or in the transit zones of a Member State as described in Article <u>43(1)</u> 35(1) ...	<u>Identical</u>
	(iv) not to conduct an examination pursuant to Article 38;	... (iv) not to conduct an examination pursuant to Article 39. ...	<u>Outcome trilogues: take Council text (shadow meeting 17 December 2012).</u>

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

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

		<u>insufficient interest on the part of the applicant in maintaining the proceedings.</u> ☹	
The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.	The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.	☹ [...] ☹	<u>The Rapporteur suggests</u> , in a spirit of global compromise; to accept Council text (deletion), as the content of the subparagraph is enshrined in Articles 20-35 of the Qualification Directive.
3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.	3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.	3. ☹ In order to comply with paragraph 1, ☹ Member States shall ensure that ☹ an ☹ ☹ [...] ☹ effective remedy ☹ [...] ☹ provides for a full ☹ and <i>ex nunc</i> ☹ examination of both facts and points of law, including ☹, where applicable, ☹ an ☹ [...] ☹ examination of the international protection needs pursuant to Directive [...]/.../EU] [the	

















		Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.	
4. 2 Member States shall provide for ⇒ reasonable ⇐ time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	4. Member States shall provide for <i>minimum</i> time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	4. 2 Member States shall provide for ⇒ reasonable ⇐ time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.	
	<i>The Member States shall set a minimum time limit of 45 working days during which applicants may exercise their right to an effective remedy. For applicants under the accelerated procedure referred to in Article 31(6), the Member States shall lay down a minimum time limit of thirty working days.</i>		
The time limits shall not render impossible or	The time limits shall not render impossible or	The time limits shall not render impossible or	<u>Identical</u>

excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	
Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	<u>Identical</u>
3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:		3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:	
(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;		(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;	
(b) the possibility of legal remedy or protective measures where the remedy		(b) the possibility of legal remedy or protective measures where the remedy	

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

right has been exercised within the time limit, pending the outcome of the remedy.	right has been exercised within the time limit, pending the outcome of the remedy.	right has been exercised within the time limit, pending the outcome of the remedy.	
6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	6. In the case of a decision	<u>Outcome trilogues: in the context of a global agreement, agreed to take Council text.</u>
		➡ (a) ➡ to consider an application	

		<p> <u>☞ manifestly unfounded in accordance with Article 32(2) or ☞ unfounded ☞ after examination in accordance with ☞ ☞ [...] ☞ Article 31(6) ☞ , except for cases where these decisions are based on the circumstances referred to in Article 31(6) (f1) ☞ ☞ [...] ☞ ;</u> </p>	
		<p> <u>☞ (b) ☞ ☞ [...] ☞ to consider an application inadmissible pursuant to Article 33(2)(a) ☞ (b) ☞ or (d) ☞ ; ☞</u> </p>	
		<p> <u>☞ (c) to reject reopening of the applicant's case that has been discontinued according to Article 28; ☞</u> </p>	
		<p> <u>☞ (d) not to examine or</u> </p>	

		not to examine fully the application pursuant to Article 39, 	
		 if the decision aims to end the applicant's right to remain in the Member State  and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	
This paragraph shall not apply to procedures referred to in Article 43.	This paragraph shall not apply to procedures referred to in Article 43.	 7.   Paragraph 6   [...]  shall  [...]   only  apply to procedures referred to in Article 43   [...]  provided that:	<u>Outcome trilogues: in the context of a global agreement, agreed to take Council text.</u>

		<p>a) the applicant has the necessary interpretation <u>☞, ☞ ☞ [...] ☞ legal assistance ☞ and at least one week ☞ to prepare the request and ☞ submit ☞ ☞ [...] ☞ to the court or tribunal the arguments in favour of granting him/her the right to remain on the territory pending the outcome of the remedy;</u></p>	
		<p>b) ☞ [...] ☞ ☞ [...] ☞ in the framework of of the examination of the request referred to in Paragraph 6, the court or tribunal examines the negative decision of the determining authority in terms of fact and law. ☞.</p>	
		<p>☞If the conditions referred to in points (a) and (b) are not met paragraph 5 applies ☞</p>	
<p>7. Member States shall allow the applicant to remain in the territory pending the outcome of</p>	<p>7. Member States shall allow the applicant to remain in the territory pending the outcome of</p>	<p>☞ 8 ☞ ☞ [...] ☞. Member States shall allow the applicant to remain in the territory pending the</p>	

the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6.	the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6. <i>An exception may be made for subsequent applications which do not lead to a further examination pursuant to Article 40(5), if a return decision pursuant to Article 3(4) of Directive 2008/115/EC has been taken, and for decisions in the procedure pursuant to Article 39 if this is provided for in national legislation.</i> [Am. 117]	outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down ⤵ [...] ⤵ paragraphs ⤵ 6 ⤵ and 7 ⤵ .	
8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].	8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].	⤵ [...] ⤵	<u>Outcome trilogues</u> <u>Related to recital (42) and to the Articles 28(3) and 34(2).</u> 8a. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].

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

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

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

<i>Article 49</i>	<i>Article 49</i>	<i>Article 49</i>	
Cooperation	Cooperation	Cooperation	
Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Identical.
Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Identical
			<u>Outcome trilogues:</u> When resorting to the measures referred to in Articles 6(5), 14(1) second subparagraph and 31(3)(b), Member States shall inform the Commission as soon as the reasons for applying these exceptional measures have ceased to exist and at least on an annual basis. This information shall, where possible, include data on the

			percentage of the applications for which derogatory measures were applied to the total number of applications processed during that period.
<i>Article <u>50</u> 42</i>	<i>Article <u>50</u></i>	<i>Article <u>50</u> 42</i>	
Report	Report	Report	
No later than 1 December 2009 ⇒ ¹ ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.	No later than....., the Commission shall report to the European Parliament and the Council on the application <i>and the financial cost</i> of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information <i>and financial data</i> that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every <i>two</i> years.	No later than 1 December 2009 ⇒ ² ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.	<u>Outcome trilogues: take Cion/Council text</u> .

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

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

			<u>Outcome trilogues (shadow meeting 17 December 2012):</u> As part of the first report, the Commission shall also report in particular on the application of Article 17 and the various tools used in relation to the reporting of the personal interview.
<i>Article <u>51</u> 42</i>	<i>Article <u>51</u></i>	<i>Article <u>51</u> 42</i>	
Transposition	Transposition	Transposition	
<u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 ☒ Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest ☒. Concerning Article 15, Member States shall bring into	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table	<u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 ☒ Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] ¹ at the latest ☒. Concerning Article 15, Member States shall bring into	<u>Outcome trilogues: accept Council text which corresponds to horizontal, interinstitutional agreement on correlation tables/explanatory documents.</u> Related to recital (44a)

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

<p>force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission thereof <input checked="" type="checkbox"/> the text of those provisions and a correlation table between those provisions and this Directive <input checked="" type="checkbox"/>.</p>	<p>between those provisions and this Directive.</p>	<p>force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission thereof <input checked="" type="checkbox"/> the text of those provisions <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>.</p>	
<p><u>2.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [2 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p><u>2.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(<input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> and 3 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/>) by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions <input checked="" type="checkbox"/> [...] <input checked="" type="checkbox"/>.</p>	<p><u>Outcome trilogues: take Cion/Council text.</u></p>
<p><u>3.</u> When Member States adopt <input checked="" type="checkbox"/> the <input checked="" type="checkbox"/> those</p>	<p>3. When Member States adopt the provisions</p>	<p><u>3.</u> When Member States adopt <input checked="" type="checkbox"/> the <input checked="" type="checkbox"/> those</p>	<p><u>Identical</u></p>

<p>provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member States shall determine how such reference is to be made. ☒ The methods of making such reference shall be laid down by Member States. ☒ They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ☒</p>	<p>referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.</p>	<p>provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member States shall determine how such reference is to be made. ☒ The methods of making such reference shall be laid down by Member States. ☒ They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ☒</p>	
<p><u>4.</u> Member States shall communicate to the Commission the text of</p>	<p>4. Member States shall communicate to the Commission the text of</p>	<p><u>4.</u> Member States shall communicate to the Commission the text of</p>	<p><u>Outcome trilogues: accept Council text which corresponds to horizontal, interinstitutional</u></p>

the ☒ main ☒ provisions of national law which they adopt in the field covered by this Directive ☒ and a correlation table between those provisions and this Directive ☒.	the main provisions of national law which they adopt in the field covered by this Directive and a correlation table between those provisions and this Directive.	the ☒ main ☒ provisions of national law which they adopt in the field covered by this Directive ☒ [...].	<u>agreement on correlation tables/explanatory documents..</u> <u>Related to recital (44a)</u>
<i>Article <u>52</u> 44</i>	<i>Article <u>52</u></i>	<i>Article <u>52</u> 44</i>	
<u>Transitional provisions</u>	<u>Transitional provisions</u>	<u>Transitional provisions</u>	
Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article <u>51(1)</u> 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 1 December 2007 . ⇒ Applications submitted before [...] and procedures for the	Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(1) to applications for international protection lodged after [...] and to procedures for the withdrawal of international protection started after [...]. Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions	Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article <u>51(1)</u> 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 1 December 2007 . ⇒ Applications submitted before [...] ³ and procedures for the	<u>Articles to be filled in.</u>

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

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

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

withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐	adopted pursuant to Directive 2005/85/EC.	withdrawal of refugee status initiated before [...] ¹ shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐	
Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...] ² . Applications submitted before [...] ³ shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	<u>Articles to be filled in.</u>
<i>Article 53</i>	<i>Article 53</i>	<i>Article 53</i>	
Repeal	Repeal	Repeal	
Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the	<u>Identical.</u>

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

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

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

obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	
References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.	<u>Identical.</u>
<i>Article <u>54</u> 45</i>	<i>Article <u>54</u></i>	<i>Article <u>54</u> 45</i>	
Entry into force	Entry into force	Entry into force	
This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	<u>Identical.</u>
Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	<u>Articles to be filled in.</u>
<i>Article <u>55</u> 46</i>	<i>Article <u>55</u></i>	<i>Article <u>55</u> 46</i>	
Addressees	Addressees	Addressees	
This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community	<u>Identical.</u>

☒ accordance with the Treaties ☒.		☒ accordance with the Treaties ☒.	
Done at Brussels,	Done at Brussels,	Done at Brussels,	
<i>For the European Parliament</i>	<i>For the European Parliament</i>	<i>For the European Parliament</i>	
<i>The President</i>	<i>The President</i>	<i>The President</i>	
<i>For the Council</i>	<i>For the Council</i>	<i>For the Council</i>	
<i>The President</i>	<i>The President</i>	<i>The President</i>	
ANNEX I		ANNEX I	
• ANNEX I H		• ANNEX I H	<u>Identical.</u>
Designation of safe countries of origin for the purposes of Article 29 and 30 37(1)	DELETED	Designation of safe countries of origin for the purposes of Article 29 and 30 37(1)	<u>Outcome trilogues: take Cion/Council text.</u>
A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...] EU [the <u>Qualification Directive</u>] Directive 2004/83/EC , no torture or inhuman or degrading treatment		A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...] EU [the <u>Qualification Directive</u>] Directive 2004/83/EC , no torture or inhuman or degrading treatment	

or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.		or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.	
In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:		In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:	
(a) the relevant laws and regulations of the country and the manner in which they are applied;		(a) the relevant laws and regulations of the country and the manner in which they are applied;	
(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European		(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European	

Convention;		Convention;	
(c) <i>respect of the non-refoulement principle according to the Geneva Convention;</i>		(c) respect of the non-refoulement principle according to the Geneva Convention;	
(d) provision for a system of effective remedies against violations of these rights and freedoms.		(d) provision for a system of effective remedies against violations of these rights and freedoms.	
ANNEX III		ANNEX III	

ASYLUM PROCEDURES DIRECTIVE (RAPPORTEUR SYLVIE GUILLAUME)

STATE OF PLAY (08.03.2013)

STATE OF PLAY :

I. PERSONS WITH SPECIAL PROCEDURAL NEEDS (Article 24, notably par. 4)

I.A. Mandate of the Presidency at the trilogue of 17.12.2012

I.B. Proposal by European Parliament at the Conclusion of the trilogue of 17.12.2012

I.C. Article 24 as it stands on 8 March 2013, as possible compromise suggestion (informally introduced by Presidency, but not formally endorsed by Council), and relating to old paragraphs 3 to 5

II. UNACCOMPANIED MINORS (Article 25, notably par. 6 and the newly introduced par. 7)

II.A. Mandate of the Presidency at the trilogue of 17.12.2012, in particular paragraphs 6 and 6a

II.B. Counter-proposal by EP at the Conclusion of the trilogue of 17.12.2012, in particular paragraph 6

II.C. Article 25 as it stands on 8 March 2013, as possible compromise suggestion informally introduced by Presidency, but not formally endorsed by Council

I. ARTICLE 24 (notably par. 4)

I.A. Mandate of the Presidency at the trilogue of 17.12.2012:

Article 24: Applicants in need of special procedural guarantees

- 1. Member States shall assess within a reasonable period of time after an application for international protection is made whether the applicant is an applicant in need of special procedural guarantees.**
- 2. The assessment referred to in paragraph 1 may be integrated into existing national procedures and/or into the assessment referred to in Article 22 of the Directive (...) (Reception Conditions) and need not take the form of an administrative procedure.**
- 3. Member States shall ensure that where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive throughout the duration of the asylum procedure.**
- 4. In cases where the determining authority considers, on the basis of a consistent set of evidence, as a result of the assessment in paragraph 1, that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence wherefrom special procedural needs result and where there is a link between the torture or violence suffered and the grounds for requesting international protection, Article 31(6) and Article 32(2) shall not apply, unless Member States provide for free legal assistance and representation at first instance for this category of applicants.**

5. **Member States shall ensure that these special procedural needs, including the derogation referred to in paragraph 4, are also addressed, in accordance with this Directive, if they become apparent at a later stage of the procedure, without necessarily restarting the procedure.**

I.B. Proposal by European Parliament at the Conclusion of the trilogue of 17.12.2012:

4. **Where Member States consider, on the basis of a consistent set of evidence, and as a result of the assessment referred to in paragraph 1, that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, and where special procedural needs result from the torture or violence suffered, or where there is a link between the torture or violence suffered and the grounds for requesting protection, Article 31(6), Article 43 and Article 46(6) shall not apply or cease to apply.**

I.C. Article 24 as it stands on 8 March 2013, as possible compromise suggestion (informally introduced by Presidency, but not formally endorsed by Council), and relating to old paragraphs 3 to 5

3. **Member States shall ensure where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support, including sufficient time, in order to allow them to benefit from the rights and comply with the obligations of this Directive throughout the duration of the asylum procedure.**

Where such adequate support cannot be provided within the framework of the procedures referred to in Articles 31(6) and 43, in particular where Member States consider that the applicant is in need of special procedural guarantees as a result of torture, rape or

other serious forms of psychological, physical or sexual violence, Member States shall not apply, or shall cease to apply, Articles 31(6) and 43. Where Member States apply Article 46(6) to applicants to whom Articles 31(6) and 43 cannot be applied pursuant to this subparagraph, Member States shall provide at least the guarantees foreseen in Article 46(7).

- 4. Member States shall ensure that special procedural needs are also addressed, in accordance with this Directive, if they become apparent at a later stage of the procedure, without necessarily restarting the procedure.**

Recital (unchanged)

- (23) Certain applicants may be in need of special procedural guarantees due to inter alia their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or consequences of torture, rape or other serious forms of psychological, physical or sexual violence. Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken. Those applicants should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.

II. ARTICLE 25 (notably par. 6 and the newly introduced par. 7)

II.A. Mandate of the Presidency at the trilogue of 17.12.2012, in particular paragraphs 6 and 6a:

Article 25: Guarantees for unaccompanied minors

1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles 14, 15, 16 and 17, Member States shall:
 - (a) take measures as soon as possible to ensure that a representative represents and assists the unaccompanied minor to enable him/her to benefit from the rights and comply with the obligations provided for in this Directive. The unaccompanied minor shall be informed immediately of the appointment of a representative. The representative shall perform his/her duties in accordance with the principle of the best interests of the child and shall have the necessary expertise to that end. The person acting as representative shall only be changed when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. The representative can also be the representative referred to in Directive [.../.../EU] [the Reception Conditions Directive] ;
 - (b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall ensure that a representative and/or a legal adviser or other counsellor admitted as such under national law are present at that interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview.

Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.

2. Member States may refrain from appointing a representative where the unaccompanied minor will in all likelihood reach the age of 18 years before a decision at first instance is taken;

3. Member States shall ensure that:
 - (a) if an unaccompanied minor has a personal interview on his/her application for international protection asylum as referred to in Articles 14, 15, 16, 17, and 34, that interview is conducted by a person who has the necessary knowledge of the special needs of minors;
 - (b) an official with the necessary knowledge of the special needs of minors prepares the decision by the determining authority on the application of an unaccompanied minor.
4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection provided for in Chapter IV.
5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant indications, Member States have doubts concerning the applicant's age. If thereafter, Member States are still in doubt concerning the applicant's age, they shall assume that the applicant is a minor.

Any medical examination shall be performed in full respect of the individual's dignity, selecting the least invasive examination and carried out by qualified medical professionals allowing, to the extent possible, for a reliable result.

In cases where medical examinations are used, Member States shall ensure that:

- (a) unaccompanied minors are informed prior to the examination of their application for international protection and in a language that they understand or are reasonably supposed to understand or are reasonably supposed to understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the application for international protection, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination;
- (b) unaccompanied minors and/or their representatives consent to carry out an examination being carried out to determine the age of the minors concerned; and
- (c) the decision to reject an application for international protection from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.

The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.

- 6. Member States may determine the applicant's age in accordance with paragraph 5 in the framework of the procedures referred to in Articles 31(6) or 43.**
- 6a. Where Member States identify an applicant as an unaccompanied minor, they may:**
- apply or continue to apply the procedures referred to in Articles 31(6) or 43 if the applicant is from a country which satisfies the criteria to be considered a safe country of origin within the meaning of this Directive;**
 - apply or continue to apply the procedures referred to in Articles 31(6) or 43 if the applicant has submitted an application which is considered unfounded in accordance with Article 32(2);**
 - consider the application as inadmissible in accordance with Article 33(2)(c) if a country which is not a Member State is considered as a safe third country for the applicant pursuant to Article 38;**

In all other cases, Member States shall only apply Articles 31(6) and/or 43 in exceptional cases.

- 7. The best interests of the child shall be a primary consideration for Member States when implementing this Article.**

Recitals

- (26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child. **In assessing the best interest of the child, Member States should in particular take due account of the minor's wellbeing and social development, including his/her background and give due weight to the views of the minor in accordance with his/her age and maturity.**
- (28a) **In order to preserve the integrity of asylum systems of the Member States and while guaranteeing unrestricted access to the asylum procedure for persons seeking international protection, it is necessary to ensure that Member States have at their disposal the necessary procedural tools to prevent and respond to abusive claims.**

II.B. Counter-proposal by EP at the Conclusion of the trilogue of 17.12.2012, in particular paragraph 6:

6. The best interests of the child shall be a primary consideration for Member States when implementing this Directive.

Where Member States, in the course of the asylum procedure, identify a person as an unaccompanied minor, Member States may:

- a) examine or continue to examine the application in the framework of the procedure laid down in Article 31(6) or, in exceptional circumstances, the procedure laid down in Article 43 only if the applicant comes from a country which satisfies the criteria to be considered a safe country of origin within the meaning of this Directive; In all other cases, Member States shall not apply Articles 31(6) and/or 43.
- b) consider the application as inadmissible in accordance with Article 33(2)(c) if a country which is not a Member State is considered as a safe third country for the applicant pursuant to Article 38 provided that this is in the minor's best interest;
- c) apply the procedure referred to in Article 20(3) when the minor's representative has legal qualifications;

d) consider the application as manifestly unfounded in accordance with Article 32(2).

~~Article 46(6) shall not apply to unaccompanied minors.~~

In applying Article 46(6) to unaccompanied minors, Member States shall provide at least the guarantees foreseen in Article 46(7) in all cases.

Recitals

- (26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child. In assessing the best interest of the child, Member States should in particular take due account of the minor's wellbeing and social development, including his/her background.
- (26a) Member States should be able to determine the age of applicants who claim to be minors and to this effect, conduct age assessments, including medical examinations.
- (28b) It is also in the best interests of both Member States and applicants to ensure that Member States, while guaranteeing unrestricted access to the asylum procedure for persons seeking international protection, have at their disposal the necessary procedural tools to preserve the integrity of asylum systems of the Member States.
- (29b) In order to comply with the principle of non-discrimination and to ensure that the right to asylum and the principle of non-*refoulement* are fully guaranteed in practice, the particular vulnerability of persons whom Member States identify as unaccompanied minors or victims of torture, rape or other serious forms of psychological, physical or sexual violence justifies applying to them

procedures which put them at procedural disadvantage only in clearly defined exceptional circumstances.

- (29c) Restrictions on the use of border procedures for unaccompanied minors are without prejudice to the possibilities to detain those applicants, including at the border, in accordance with [the Reception Conditions Directive].

II.C. Article 25 as it stands on 8 March 2013, as possible compromise suggestion informally introduced by Presidency, but not formally endorsed by Council

6. The best interests of the child shall be a primary consideration for Member States when implementing this Directive.
- Where Member States, in the course of the asylum procedure, identify a person as an unaccompanied minor, Member States may:
- (a) apply or continue to apply Article 31(6) only if:
- the applicant comes from a country which satisfies the criteria to be considered a safe country origin within the meaning of this Directive; or
 - the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 40(5); or
 - the applicant may for serious reasons be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.
- (b) apply or continue to apply Article 43, in accordance with Articles 8 to 11 of Directive [.../2013/EU] [the Reception Conditions Directive], only if:
- the applicant comes from a country which satisfies the criteria to be considered a safe country of origin within the

- meaning of this Directive; or
- the applicant has introduced a subsequent application ~~for international protection that is not inadmissible in accordance with Article 40(5);~~ or
 - the applicant may for serious reasons be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law; or
 - there are reasonable grounds to consider a country which is not a Member State as a safe third country for the applicant, pursuant to Article 38.
- (c) consider the application as inadmissible in accordance with Article 33(2)(c) if a country which is not a Member State is considered as a safe third country for the applicant pursuant to Article 38 provided that this is in the minor's best interest;
- (d) consider the application as inadmissible in accordance with Articles 33(2)(a), (b) and (d);
- (e) consider the application as manifestly unfounded in accordance with Article 32(2);
- (f) apply the procedure referred to in Article 20(3) when the minor's representative has legal qualifications in accordance with national law.

Without prejudice to Article 41, in applying Article 46(6) to unaccompanied minors, Member States shall provide at least the guarantees foreseen in Article 46(7) in all cases.

7. In exceptional cases ~~which must be duly justified~~, Member States may apply or continue to apply Article 43, in accordance with Articles 8 to 11 of Directive [.../2013/EU] [the Reception Conditions Directive], where Member States have assumed that the applicant is a minor in application of the first subparagraph of paragraph 5 ~~the applicant claims to be an unaccompanied minor but his/her age is in persistent doubt~~, and either:

- (a) the applicant has misled the authorities by presenting false documents, or
- (b) in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality.

Member States may apply this paragraph only where there are objective grounds to consider that the applicant is attempting to conceal relevant elements which would likely lead to a negative decision, in particular the situations referred to in the first, third and fourth indents of paragraph 6(b).

Before applying this paragraph, Member States shall ensure that the applicant has been given full opportunity, taking into account the special procedural needs of unaccompanied minors, to show good cause for the actions referred to in points (a) and (b).

New recitals

(16c) In order in particular to ensure full application of Article 31 of the Geneva Convention, the fact that an application for international protection was submitted after an irregular entry into the territory, as well as the lack of documents on entry or the use of forged documents, should not *per se* entail an automatic recourse to border or accelerated procedures, in particular where the applicant can show good cause for such actions.

Comment: *Replacement for Art. 31(8) and a clarification for Art. 25(7)(a).*

(39a) Where the right to remain during appeals procedures is not automatic, additional guarantees should be provided to applicants in border procedures, to unaccompanied minors and to applicants who are in need of special procedural guarantees which cannot be provided within rapid procedures, with a view to making the remedy effective in their particular circumstances.

Comment: *Clarification on Art. 24(3).*