

COUNCIL OF THE EUROPEAN UNION

Brussels, 16 March 2012

7683/12

Interinstitutional File: 2008/0243 (COD)

LIMITE

ASILE 47 CODEC 667

NOTE

from:	Presidency
to:	Permanent Representatives Committee
on	21 March 2012
No Cion proposal:	16929/08 ASILE 26 CODEC 1758
Prev. document	7495/12 ASILE 43 CODEC 622
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast)
	- Preparation for the first informal trilogue [First reading]

Introduction

In December 2008, the Commission submitted to the European Parliament and the Council a recast of the Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or stateless person (the Dublin Regulation).

The recast of the Regulation is part of a series of legislative proposals in the field of asylum submitted by the Commission in keeping with the commitment of the European Council to establish a Common European Asylum System by 2012.

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Negotiations in Council have been prolonged mainly due to the opposition by delegations to the suggestion of a suspension mechanism in the Regulation in cases where a Member State is faced with mass influx on its asylum system. Other significant issues have concerned the definition of family members, the applicant's right to information, the personal interview, guarantees for unaccompanied minors and dependents, remedies, and rules on detention.

The result of these examinations with delegations' comments in the footnotes is set out in document 7814/12.

Based on negotiations during previous Presidencies, most recently at the meeting of the Committee on 2 December 2012, as well as discussions by Counsellors on 23 January, 3 February, 23 February, 29 February, 5 March and 15 March 2012, the Presidency has prepared a compromise package which is reflected in the annex. The Presidency invites the Committee to endorse this package as its mandate for engaging in informal trilogues with representatives of the European Parliament without, however, touching yet on the technical questions of delegated acts. In keeping with the commitment of the European Council to establish a Common European Asylum System by 2012, the Presidency aims to achieve agreement on the recast for the Dublin Regulation in early second reading.

In May 2009, the European Parliament adopted its first reading position on the recast of December 2008.

In accordance with Article 3 and Article 4a(1) of the Protocol (No 21) on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, these Member States have notified (by letter received on 2 March 2009 IE, and by letter received on 6 March 2009 the UK) their wish to take part in the adoption and application of the present Regulation notified its intention of participate in the adoption of this proposal.

In accordance with Articles 1 and 2 of the Protocol (No 22) on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

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In this context, it is recalled that by virtue of the Agreement between the European Community and the Kingdom of Denmark, the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention were extended to Denmark.

Compromise package

The Presidency compromise package which appears in the Annex consists of the following main elements. New Presidency suggestions in comparison to document 7814/12 are highlighted in bold.

1. Definition of family members, relatives and relations – Article 2

The Presidency proposes to maintain the definition of family members as it stands in Article 2 (g). The Presidency has introduced two different definitions on "relatives" when dealing with unaccompanied minors in Article 2 (ga) and on "relations" as concerns the provision on dependents in Article 2 (gb).

Moreover, the Presidency has clarified the text in Recitals 13 and 14, and Article 7, deleting the reference to siblings, as this is already covered by the reference to family members and relatives in article 2. In Recital 14 and Article 17, the Presidency suggest to refer to "members of the extended family", thereby emphasising that this refers to persons falling outside of the scope of family members, relatives and relations.

2. Remedies – Article 26

The discussions concerning the suspension of transfers have mainly concerned the fact that delegations are opposed to any general rule on suspension of transfers during appeals, including during the period for deciding on a suspensive effect. Based on the discussion at the meeting of Counsellors on 29 February 2012 and 15 March 2012, the Presidency has removed the reference to no transfer taking place before a decision on the applicants request for suspensive effect of an appeal has been examined. The Presidency has instead sought to underline the principle that transfers shall always be carried out in accordance with the Charter of Fundamental Rights of the European Union as well as other international obligations of the Member States.

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Detention – Article 27 3.

On the meeting between counsellors on 15 March 2012, delegations in general supported the Presidency text. As it stands, the text clarifies that detention may not take place solely because a person applied for international protection and is undergoing a Dublin procedure. Furthermore, detention shall be for as short as possible, proportionate and may take place in order to secure Dublin transfers when there is a risk of absconding. Member States shall lay down the conditions and guarantees concerning detention in their national legislation and in accordance with applicable EU and international instruments.

4. A mechanism for early warning, preparedness and crisis management – Article 31

Intensive discussions have been conducted on the wording of the provision in the Dublin Regulation replacing the suspension mechanism as suggested by the Commission in its proposal from December 2008 and replacing it with a more viable alternative consisting of a mechanism for early warning, preparedness and crisis management for situations of particular pressures or deficiencies that could affect the functioning of the Dublin Regulation. The provision concisely sets down the structure of the mechanism. On 8 March 2012, the Council adopted a set of conclusions on a Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows. The Council Conclusions, as set out in doc. 7485/12+COR1, provide for a framework for the activities undertaken as part of the mechanism set down on the proposal.

The mechanism currently included in the draft Dublin Regulation contains provisions on a preventive action plan followed by a crisis management action plan, where the preventive action plan does not remedy the situation and/or where there is a serious risk that the asylum system in the Member State concerned develops into a crisis and this may jeopardize the application of the Regulation. The possibility exists that a crisis management action plan is triggered directly, when the situation presenting amounts to a fully fledged crisis. Throughout the entire process, the Council will closely monitor the situation and may request more information or provide political guidance, including on any measures of solidarity as it deems appropriate. Furthermore, the provision foresees the assistance of EASO and other relevant EU agencies where appropriate.

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5. Delegated acts

Discussions on the question of delegated acts remain highly technical and relate to questions such as the adoption of an information leaflet on Dublin/EURODAC, of procedures related to the implementation of measures concerning the reunification of unaccompanied minors and dependent persons with relatives, of procedures for preparing and transmitting take charge and take back requests, of establishing and revising the two lists indicating the elements of proof regarding a take charge request, the design of the laissez-passer, the standard form for exchange of information between authorities in connection with a transfer, cf. Article 30, the procedure for the common health certificate accompanying the persons transferred, cf. Article 30 A, and rules relating to the establishment of secure electronic transmission channels between the authorities for transmitting requests, cf. Article 33. Certain reservations remain to the proposed articles set down in document 7814/12. The Presidency will present compromise proposals on these issues to the Committee at a later stage after having entered into informal trilogue with the European Parliament on the other elements of the recast Dublin Regulation, which is the main part of the proposal.

Conclusion

The Presidency invites the Committee of Permanent Representatives to endorse the compromise package reflected in the annex with a view to establishing a mandate for the first trilogue on the recast of the Dublin Regulation with the exception of the question of delegated acts.

N.B. New text is indicated by <u>underlining</u> and **bold** the insertion and including it within Council tags:

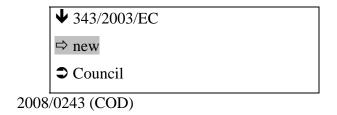
C;

Deleted text is indicated within underlined square brackets as follows:

[...] C.

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ANNEX



Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇔ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇔

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty \bigcirc [...] \bigcirc \bigcirc on the Functioning of the European Union (TFEU) \bigcirc and in particular \bigcirc point 1 (e) of Article 78 \bigcirc \bigcirc [...] \bigcirc thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

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OJ C [...], [...], p. [...].

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the procedure laid down in Article \bigcirc [...] \bigcirc \bigcirc \bigcirc of the \bigcirc [...] \bigcirc \bigcirc TFEU \bigcirc \bigcirc 3,

Whereas:

new

(1) A number of substantive changes are to be made to Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national⁴. In the interests of clarity, that Regulation should be recast.

♦ 343/2003/EC recital 1 **♦** Council

A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the DILIC DILIC.

OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ L 50, 25.2.2003, p.1.

◆ 343/2003/EC recital 2

(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third-country nationals.

◆ 343/2003/EC recital 3

(4) The Tampere conclusions also stated that this system should include, in the short term, a clear and workable method for determining the Member State responsible for the examination of an asylum application.

♦ 343/2003/EC recital 4

(5) Such a method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for determining refugee ⇒ international protection ⇔ status and not to compromise the objective of the rapid processing of asylum applications ⇒ for international protection ⇔.

◆ 343/2003/EC recital 5

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



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

- (7) In the light of the results of the evaluations undertaken, it is appropriate, at this stage, to confirm the principles underlying the Regulation (EC) No 343/2003, while making the necessary improvements in the light of experience to enhance the effectiveness of the system and the protection granted to applicants for international protection under this procedure.

⁵ OJ L 304, 30.9.2004, p. 12.

(9) **(**9) **(**9)

In accordance with the 1989 United Nations Convention on the Rights of the Child and

as recognised in

the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States in the application of this Regulation. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.

◆ 343/2003/EC recital 6

Family unity should be preserved in so far as this is compatible with the other objectives pursued by establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application.

↓ new→ Council

In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and <u>as recognised in</u> the Charter of Fundamental Rights of the European Union, respect for family <u>life</u> <u>life</u> should be a primary consideration of Member States when applying this Regulation.

◆ 343/2003/EC (recital 7)
⇒ new

The processing together of the asylum applications ⇒ for international protection ⇔ of the members of one family by a single Member State makes it possible to ensure that the applications are examined thoroughly and the decisions taken in respect of them are consistent ⇒ and that the members of one family are not separated ⇔.



In order to ensure full respect for the principle of family unity and of the best interests of the child, the existence of a relationship of dependency between an applicant and his/her

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♦ 343/2003/EC (recital 7)

⇒ new **♦** Council

Any Member State should be able to derogate from the responsibility criteria, so as to make it possible to bring family members together where this is necessary on humanitarian grounds ⇒ in particular for humanitarian and compassionate reasons ⇒ so as to make it possible to bring ⇒ [...] ∈ members ⇒ of the extended family and other relatives or relations ⇒ [...] ∈ ⇒ [...] ∈ c together ∈ and examine an application for international protection lodged with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down in the Regulation ⇒ [...] ∈ . ⇔

↓ newCouncil

- In accordance in particular with <u>the rights recognised in</u> Article 47 of the Charter of Fundamental Rights of the European Union, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established to guarantee effective protection of the rights of the individuals concerned.

- (17) **(17)**
- Detention of asylum seekers should be applied in line with the underlying principle that a person should not be held in detention for the sole reason that he is seeking international protection. Detention should be as short as possible and $\square [...] \subseteq$ be subject to the principles of necessity and proportionality. In particular, detention of asylum seekers must be applied in line with Article 31 of the Geneva Convention $\square [...] \subseteq \square [...] \square [...] \subseteq \square [.$

○ (18A **○** [...] **C** Deficiencies or collapses of asylum systems, oftern aggrevated ○ [...] ○ or contributed to by particular pressures on them, can destabilise the proper functioning of the system put in place by the present Regulation. A process for early warning, preparedness and management of asylum crises serving to prevent such deteriorations or collapses with EASO playing a key role using its powers under Regulation (EU) 439/2010 should be established both in order to ensure that cooperation within the framework of this Regulation is robust as well as to develop mutual trust among the Member States with respect to asylum policy. The process should ensure that the Union is alerted as soon as possible of situations in which a concern exists that the smooth functioning of the system set up by this Regulation is jeopardized because the asylum systems of one or more Member States are subject to particular pressure and/or due to deficiencies in the asylum systems of one or more Member States. Such a process would allow the Union to promote preventive measures at an early stage and afford such situations the appropriate political attention. Solidarity is a pivotal element in the CEAS and solidarity and mutual trust go hand in hand. By enhancing such trust, this process could improve the steering of concrete measures of genuine and practical solidarity towards the Member State or Member States concerned in order $\left[... \right] \subset$ to assist the affected Member States in general and the asylum seekers in particular.

- (18B) Member States should collaborate with the European Asylum Support Office in the gathering of information concerning their ability to manage particular pressure on their asylum and reception systems, in particular in the framework of the application of this Regulation. The European Asylum Support Office should regularly report on the information gathered in accordance with Regulation (EU) No 439/2010. □
- In accordance with Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003⁶, transfers to the Member State responsible may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers and should ensure that supervised or escorted transfers are undertaken in a human manner, in full respect for fundamental rights and human dignity.

◆ 343/2003/EC recital 8

(20) The progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the Treaty establishing the European Community and the establishment of Community policies regarding the conditions of entry and stay of third country nationals, including common efforts towards the management of external borders, makes it necessary to strike a balance between responsibility criteria in a spirit of solidarity.

⁶ OJ L222, 5.9.2003, p.3.

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- (21) **(**21) **(**21)
- (22) **3**[...]**C**
- (23) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁷ applies to the processing of personal data by the Member States in application of this Regulation.
- The exchange of applicant's personal data, including sensitive data concerning health, to be transferred before a transfer is carried out will ensure that the competent asylum authorities are in a position to provide applicants with adequate assistance and to ensure continuity in the protection and rights afforded to them. Special provision should be made to ensure the protection of data relating to applicants involved in this situation, in conformity with Directive 95/46/EC.

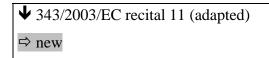
⁷ OJ L 281, 23.11.1995, p. 31.

◆ 343/2003/EC recital 9 (adapted)

The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communications between competent departments, reducing time limits for procedures or simplifying the processing of requests to take charge or take back, or establishing procedures for the performance of transfers.

◆ 343/2003/EC recital 10 (adapted)

Continuity between the system for determining the Member State responsible established by the Dublin Convention → Regulation (EC) No 343/2003 → and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Council Regulation (EC) No 2725/2000 of 11 December 2000[.../...] [concerning the establishment of "Eurodae EURODAC" for the comparison of fingerprints for the effective application of the Dublin Convention ► Regulation ✓].



The operation of the Eurodae EURODAC system, as established by Regulation (EC) No $\underline{2725/2000}$ [.../...] \boxtimes [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] \boxtimes and in particular the implementation of Articles $\underline{\underline{4}}$ $\underline{\underline{6}}$ and $\underline{\underline{8}}$ $\underline{\underline{10}}$ contained therein should facilitate the implementation \boxtimes application \boxtimes of this Regulation.

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⁸ OJ L 316, 15.12.2000, p.1

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(28) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas⁹, and in particular the implementation of Articles 21 and 22 contained therein should facilitate the application of this Regulation.

◆ 343/2003/EC recital 12

⊃ Council

With respect to the treatment of persons falling within the scope of this Regulation,

Member States are bound by their <a href="text-align: cen

9 OJ L 218, 13.8.2008, p. 60.

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♦ 343/2003/EC recital 13 **♦** Council

Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. of the European Parliament and of the Council of 16 February 2011 C laying down I the rules and general principles concerning mechanisms for control by the Member States of C the Commission 3's exercise of implementing powers C.

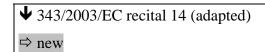
♦ 1103/2008/EC pt. 3, first subparagraph of the Annex **♦** Council

and take back requests, of establishing and revising the two lists indicating the elements of proof regarding a take charge request, the design of the laissez-passer, the procedures for carrying out transfers and meeting their costs, drawing a standard form of data exchange, the practical arrangements on the transfer of health data, the rules relating to the establishment of secure electronic transmission channels for all written correspondence, given that those acts are of general scope.

□ The examination procedure should be used for the adoption of an information leaflet on being their cost with relation of measures concerning the required to the establishment of secure electronic transmission channels for all written correspondence, given that those acts are of general scope. □

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The measures necessary for the implementation of Regulation (EC) No 343/2003 have been adopted by Regulation (EC) No 1560/2003. Certain provisions of Regulation (EC) No 1560/2003 should be incorporated into this Regulation, for reasons of clarity or because they can serve a general objective. In particular, it is important both for the Member States and the asylum seekers concerned, that there should be a general mechanism for finding a solution in cases where Member States differ over the application of a provision of this Regulation. It is therefore justified to incorporate the mechanism provided for in Regulation (EC) No 1560/2003 for the settling of disputes on the humanitarian clause into this Regulation and to extend its scope to the whole of this Regulation.



The
This
Regulation observes respects
the fundamental rights and observes the the principles which are acknowledged in particular in the Charter of Fundamental Rights of the European Union In particular, this Regulation
it seeks to ensure full observance of the right to asylum guaranteed by Article 18
observed and the rights recognized by
Articles 1, 4, 7, 24 and 47 of the said Charter and
observed the rights recognized by
Articles 1, 4, 7, 24 and 47 of the said Charter and
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 ◆ 343/2003/EC recital 16
 ⇒ new

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Since the objective of the proposed measure, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an asylum application ⇒ for international protection ⇔ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇔, cannot be sufficiently achieved by the Member States and, given the scale and effects, can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

OJ C 364, 18.12.2000, p. 1.





▶ 343/2003/EC recital 17 (adapted)

In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom and Ireland gave notice, by letters of 30 October 2001, of their wish to take part in the adoption and application of this Regulation.

☐ In accordance with Article 3 and Article 4a(1) of the Protocol No 21 on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, these Member States have notified their wish to take part in the adoption and application of the present Regulation ☐

◆ 343/2003/EC recital 18 (adapted)

⊃ Council

In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it nor subject to its application.

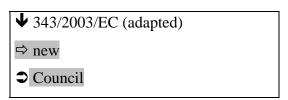
☐ In accordance with Articles 1 and 2 of the Protocol (No 22) on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

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◆ 343/2003/EC recital 19 (adapted)

The Dublin Convention remains in force and continues to apply between Denmark and the Member States that are bound by this Regulation until such time an agreement allowing Denmark's participation in the Regulation has been concluded.



HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT-MATTER AND DEFINITIONS

This Regulation lays down the criteria and mechanisms for determining the Member State responsible for examining an application for $\frac{\text{asylum}}{\text{country national}} \Rightarrow \text{international protection} \Leftarrow \text{lodged in one of the Member States by a third-country national} \Rightarrow \text{or a stateless person} \Leftarrow$.

For the purposes of this Regulation:

"third-country national" means anyone

any person

who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty establishing the European Community

and who is not

national of a state which participates in this Regulation by virtue of an agreement with the European Community.

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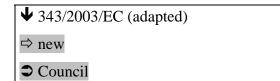
virtue of an agreement with the European Community.

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- (b) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;
- (c) "application for asylum" means the application made by a third-country national 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 a third-country national explicitly requests another kind of protection that can be applied for separately;

↓ new

(b) "application for international protection" means an application for international protection as defined in Article 2(g) of Directive 2004/83/EC;



"applicant" or "asylum seeker" means a third country national ⇒ or a stateless person ⇒ who has made an application for asylum ⇒ international protection ⇔ in respect of which a final decision has not yet been taken;

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- "refugee ⇒ person granted international protection ⇒ " means any ⊗ a ⊗ third-country national ⇒ or a stateless person recognised as ⊃ [...] © ⊃ entitled to © international protection as defined in Article 2(a) of Directive 2004/83/EC ⇔ qualifying for the status defined by the Geneva Convention and authorised to reside as such on the territory of a Member State;

¹¹ OJ L 326, 13.12.2005, p.13.

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- ② [...] ⓒ ③ (g) "family members" means, insofar as the family already existed in the country of origin, the following members of the applicant's family who are present in the territory of the Member States: €
 - (i) the spouse of the asylum seeker or his or her unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to [...] ♥ third country nationals; ♥
 - (ii)the minor children of couples referred to in point (i) or of the applicant, on condition that they are unmarried [...] and regardless of whether they were born in or out of wedlock or adopted as defined under the national law;

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D[...] **C**

- when the applicant is a minor and unmarried the father, mother or another adult [...] responsible for the [...] him/her whether by [...] law or [...] by the national practice of the Member State where the adult is present, [...] [...]
- (iv) when the person granted international protection is a minor and unmarried the father, mother or another adult responsible for ⊃ [...] ⊂ him/her by law or by the national practice of the Member State where the person granted international protection is present ⊂ ⊃ [...] ⊂

⊃ [...] €

- □ ga) "relative" □ [...] □ means, the following persons who are present in the territory of the Member States: □
 - **⊃** the sibling of the applicant **⊃** [...] **C C**
 - the adult aunt/uncle or ⊃ [...] □ -grandparent of the applicant who has previously been responsible for the applicant's care; □
 - regardless of whether they were born in or out of wedlock or adopted as defined under national law.

- **)** [...] **C**
- **D**[...]**C**
 - <u>[...]</u>C
- ② gb) "a relation ② [...] © means, the following persons who are present in the territory of the Member States: ©
 - _ the child, sibling or parent of the applicant ⊃[...] ⊂; ⊂
- - <u>Pregardless of whether they were born in or out of wedlock or adopted as defined under</u> national law.

 The present the p

D	[.]	C
\Rightarrow	۲	.1	C

↓ 343/2003/EC **⊃** Council

□ [...] □ □ (h) □ "minor" means a third-country national or a stateless person below the age of 18 years;

"unaccompanied minor" means unmarried persons below the age of

eighteen ⇒ an unmarried ▷ ∫...] ℂ minor who ⇔ arrive ☒ arrives ☒ in the

territory of the Member States unaccompanied by an adult responsible for ⊃ [...] ℂ

him/her ℂ whether by law or by ⊃ the national practice of the Member State

concerned ℂ ⊃ [...] ℂ , and for as long as ⊃ [...] ℂ ⊃ he/she ℂ ⊃ [...] ℂ ⊃ is ℂ not

effectively taken into the care of such a person; it includes minors who are left

unaccompanied after they have entered the territory of the Member States;

) [...] **C**

↓ new→ Council

D[...] **C**

The competent bodies □ [...] □ □ □ [...] □ □ [...] □ □ [...] □ □ [...] □ □ in order to assist and represent the unaccompanied minor in procedures provided for in this

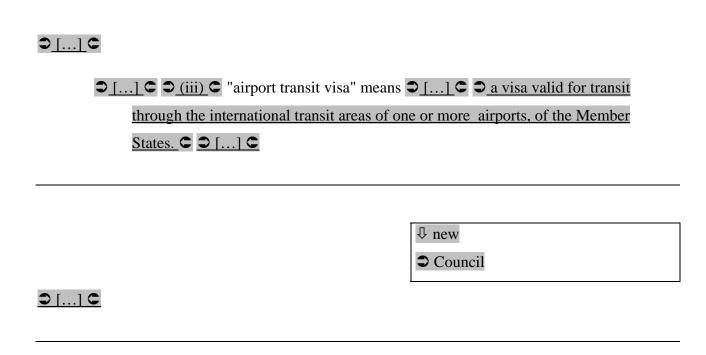
Regulation with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation □ [...] □ is appointed as a representative, it shall □ [...] □ designate a person responsible for carrying out the □ [...] □ duties of this organisation in respect of the minor, in accordance with this Regulation. □ □

↓ 343/2003/EC	
⇒ new	
⇒ Council	

Member State authorising a third-country national ⇒ or a stateless person ⇔ to stay in its territory, including the documents substantiating the authorisation to remain in the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the responsible Member State as established in this Regulation or during examination of an application for asylum ⇒ international protection ⇔ or an application for a residence permit;

"visa" means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States. The nature of the visa shall be determined in accordance with the following definitions:

- (i) "long-stay visa" means ⊃[...] ⊂ ⊃ an ⊂ authorisation or decision ⊃ issued by ⊃[...] ⊂ one of the ⊂ ⊃[...] ⊂ Member ⊃[...] ⊂ ⊃ States in accordance with its national law or EU law ⊃[...] ⊂ ⊂ required for entry for an intended stay in that Member State of more than three months;
- (ii) "short-stay visa" means ⊃ [...] ⊂ ⊃ an ⊂ authorisation or decision of a Member State ⊃ with a view to transit through or an intended stay in the territory of one, more or all the Member States of a duration of no more than three months in any six-month period from the date of first entry in the territory of the Member States; ⊂ ⊃ [...] ⊂



◆ 343/2003/EC (adapted)

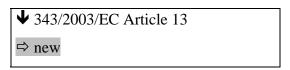
⇒ new

CHAPTER II

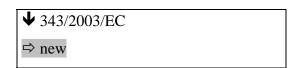
Article 3

*⊠*Access to the procedure for examining an application for international protection *⊠*

1. Member States shall examine the any application for international protection of of any by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones their territory to any one of them for asylum. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter III of this Regulation indicate is responsible.



2. Where no Member State responsible for examining the application for ⇒ international protection ⇔ asylum can be designated on the basis of the criteria listed in this Regulation, the first Member State with which the application for asylum ⇒ international protection ⇔ was lodged shall be responsible for examining it.



3. Any Member State shall retain the right, pursuant to its national laws, to send an asylum seeker to a ⇒ safe ⇔ third country, in compliance with the provisions of the Geneva Convention ⇒ subject to the rules and safeguards laid down in Directive 2005/85/EC ⇔.

<u>Article 4</u>

\boxtimes Right to information \boxtimes

41.

As soon as an application for international protection is lodged

in the meaning of Article 20(2) of this Regulation

the competent authorities of Member States shall inform

the asylum seeker shall be informed in writing in a language that he or she may reasonably be expected to understand regarding

of

the application of this Regulation, its time limits and its effects.

¬ and in particular of:

¬ and in particular of:

□

□ new□ Council

(a) the objectives of this Regulation and the consequences of making another application in a different Member State as well as the consequences of moving from a Member State to another one during the determination of the Member State responsible under this Regulation and during the examination of the application for international protection :

- (b) the criteria for allocating responsibility, \bigcirc [...] \bigcirc \bigcirc the different steps of the procedure, \bigcirc and their duration \bigcirc \bigcirc [...] \bigcirc \bigcirc [...] \bigcirc \bigcirc [...] \bigcirc \bigcirc [...] \bigcirc \bigcirc
- ______ (bc) the □ [...] □ personal interview pursuant to Article 5 and the possibility to submit information regarding the presence of family members within the meaning of Article 2 (g), □ [...] □ relatives □ [...] □ or relations in the Member States, including the means by which the applicant can submit such information; □

- \bigcirc [...] \bigcirc \bigcirc (c) \bigcirc the possibility to challenge a transfer decision;
- D[...] C ⊃ (e) C the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, ⊃ [...] C ⊃ as well as C the procedures for exercising those rights ⊃ [...] C ⊃ including C the contact details ⊃ of the authorities referred to in Article 33 C and of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.

2.	The information referred to in paragraph 1 shall be provided in writing in a language that
	the applicant \bigcirc <u>understands or may</u> \bigcirc \bigcirc [] \bigcirc reasonably \bigcirc [] \bigcirc <u>be presumed</u> \bigcirc
	to understand. Member States shall use the common leaflet drawn up pursuant to paragraph
	3 for that purpose.

Where necessary for the proper understanding of the applicant, $\bigcirc [...] \subset$ the information shall also be supplied orally \bigcirc for example $\bigcirc \bigcirc [...] \subset \bigcirc [...] \subset$ in connection with the personal interview as stipulated in Article 5 \bigcirc .

) [...] **C**

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

3 [...] **C**

⊃ [...] €

Article 5

Personal interview

<u>[...]</u>C

- \bigcirc 2. \bigcirc [...] \bigcirc The interview may be omitted if: \bigcirc
 - **⊃** (a) the applicant has absconded; or **⊂**
 - ⊃ [...] €
 - Article 4 the applicant $\bigcirc [...] \bigcirc \triangle$ has already provided $\bigcirc [...] \bigcirc$ information relevant to carry out the process of determining the Member State responsible under this Regulation by any other means. $\bigcirc \bigcirc [...] \bigcirc \bigcirc \bigcirc$ The procedure shall give the applicant the opportunity to present further information before a decision is taken. \bigcirc
- ⊃ [...] €
- \bigcirc 3. \bigcirc [...] \bigcirc The personal interview shall take place in a timely manner \bigcirc [...] \bigcirc □ [...] \bigcirc and, in any event, before any decision is taken to transfer the applicant to the responsible Member State pursuant to Article 25(1).

- ⇒ <u>5.</u> C ⊃ [...] C The personal interview shall take place under conditions which ensure appropriate confidentiality. ⊃ <u>It shall be conducted by a qualified person under national</u> law. C
- □ 6. □ 1... □ 1... □ The Member State conducting the personal interview shall make a
 □ 1... □ 2... □ 3...

Article 6

Guarantees for $\mathcal{D}[\dots]$ \mathcal{C} minors

1.	The best interests of the child shall be a primary consideration for Member States with
	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	respect to all procedures provided for in this Regulation.

2.	Member States shall ensure that a representative represents and/or assists the
	unaccompanied minor with respect to all procedures provided for in this Regulation.
	⊃ [] ⊂ ⊃ The representative shall ⊃ [] ⊂ have the necessary expertise in view of
	ensuring that the best interests of the minor are taken into consideration therefore he/she
	shall have access to the content of the relevant documents in the applicant's file \bigcirc []
	⊃ [] ⊂ including the specific leaflet for unaccompanied minors. ⊂

- 3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:
 - (a) family reunification possibilities;
 - (b) the minor's well-being and social development \bigcirc [...] \bigcirc ;
 - (c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;
 - (d) the views of the minor, in accordance with his/her age and maturity.

⊃ [...] C

3 [...] C ⊃ [...] C The Member State ⊃ [...] C in which the application for international protection was lodged by the unaccompanied minor shall, as soon as possible, and ⊃ [...] C on account ⊃ [...] C of information ⊃ [...] C ⊃ [...] C ⊃ [...] C □ [...] C

⊃ [...] C

◆ 5. Procedures for implementing paragraph 4 shall be adopted in accordance with the procedure referred to in Article 40(2).

↓ 343/2003/EC (adapted)

⇒ new

CHAPTER III

HIERARCHY OF CRITERIA

EXECUTER STATE**ESPONSIBLE ★**

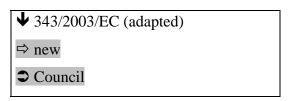
1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.

2. The Member State responsible in accordance with the criteria ⋈ set out in this Chapter ⋈ shall be determined on the basis of the situation obtaining when the asylum seeker first lodged his/her application ⋈ for international protection ⋈ with a Member State.

new		
⊃ Council		

) [...] **C**

In view of the application of the criteria referred to in Article 8, 10 and 11, Member States shall take into consideration any available evidence regarding the presence □[...] □ on the territory of a Member State of family members within the meaning of Article 2(g) or of other relatives or relations, □[...] □ of the applicant for international protection.
 □[...] □ on condition that such evidence is produced □[...] □ before the acceptance of the request by another Member State to take charge or take back the person concerned, pursuant to Articles 22 and 24 respectively and that the previous applications for international protection of the asylum seeker have not yet been subject of a first decision regarding the substance. □



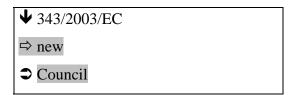
$Article \ \underline{\underline{\$}} \ \underline{\underline{\$}}$ $\ \ \underline{\hspace{-1.5cm} \text{\not $$}} \ Unaccompanied \ minors \ \underline{\hspace{-1.5cm} \text{\not $$}} \$

Where the applicant for asylum is an unaccompanied minor, the Member State responsible for examining the application ⇒ for international protection ⇒ shall be that where a member of his or her family → within the meaning of Article 2(g) or his/her sibling → [...] ← is legally present, provided that this is in the best interest → [...] ← of the → [...] ← minor.

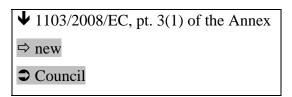
H ⊗ Where ⊗ ⇒ the applicant ⇔ asylum-seeker is an unaccompanied minor who has a
□[...] C relative □, who is □[...] C □ □[...] C or relatives ⇒ legally □[...] C
□ resident or □[...] C asylum seeker C ⇔ in another Member State □[...] C □ and where it is established, based on an individual examination, that the relative C can take care of him or her, ⊗ that ⊗ Member States shall □ unite the minor with his/her relative and C if possible unite the minor with his or her relative or relatives, ⇒ be responsible for examining the application, provided that ⇔ unless this is not in the best interest □[...] C of the minor.

new		
⊃ Council		

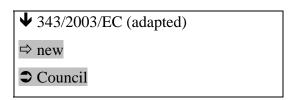
3. Where ⊃ family ⊂ members ⊃ or relatives as mentioned in paragraphs 1 and 2 ⊂ ⊃ [...] ⊂ ⊃ [...] ⊂ ⊃ [...] ⊂ are ⊃ [...] ⊂ ⊃ staying ⊂ in more than one Member State, the Member State responsible for examining the application shall be decided on the basis of what is in the best interests of the ⊃ unaccompanied ⊂ minor.



<u>[...]</u>C



5. The ⊃ [...] © procedures for implementing this Article paragraphs 2 ⇒ and 3 ⇔ including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be ⊃ [...] © adopted in accordance with the ⊃ [...] © procedure ⊃ [...] © referred to in Article 27(3) 40 ⊃ (2). © ⊃ [...] ©



Article <u>₹9</u>

E Family members who are persons granted international protection *⟨* ■

Where the asylum seeker has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a refugee \Rightarrow person granted international protection \Leftarrow in a Member State, that Member State shall be responsible for examining the application for asylum \Rightarrow international protection, \Leftarrow provided that the persons concerned \Longrightarrow \boxtimes expressed their \boxtimes desire \boxtimes in writing \boxtimes .

Article <u>810</u>

If the asylum seeker has a family member in a Member State whose application \Rightarrow for international protection \Leftarrow \boxtimes in that Member State \boxtimes has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for \Rightarrow international protection \Rightarrow , provided that the persons concerned \Rightarrow \Rightarrow expressed their \otimes desire \Rightarrow in writing \otimes .

Article $\frac{1511}{2}$ \boxtimes Dependen $\Im_S \subset \Im_{[...]} \subset \boxtimes$

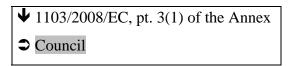
3 2.	Where the relation ○ [] © is legally ○ [] © resident in another Member State than
	the one where the asylum seeker is present, the Member State responsible for examining
	the application shall be the one where the relation \bigcirc [] \bigcirc is legally \bigcirc [] \bigcirc resident
	⊃ [] ⊂ unless the concerned asylum ⊃ [] ⊂ seeker's health condition ⊃ [] ⊂
	prevents him/her \bigcirc [] \bigcirc during a significant period of time from travelling to that
	Member State. C
	➤ Where the concerned asylum ➤ []
	during a significant period of time from travelling to another Member State, the Member
	State responsible for examining his/her application shall be the one where he/she is
	present. \bullet \bullet [] \bullet Becoming the Member State responsible due to the applicant's

inability to travel does not **⊃** [...] **⊂** entail the obligation of bringing the relation

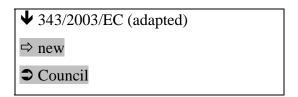
⊃ [...] **C** to that Member State. **C**

▶ 1560/2003 Article 11(1) (adapted)

Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker.



 \bigcirc [...] \bigcirc \bigcirc 3. \bigcirc [...] \bigcirc The \bigcirc \bigcirc [...] \bigcirc procedures for implementing this Article \bigcirc including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, \bigcirc [...] \bigcirc \bigcirc shall \bigcirc be adopted \bigcirc [...] \bigcirc in accordance with the \bigcirc [...] \bigcirc procedure \bigcirc [...] \bigcirc referred to in Article \bigcirc [...] \bigcirc 40 \bigcirc (2) \bigcirc \bigcirc [...] \bigcirc .



Where several members of a family within the meaning of Article 2(g) ...] and/or minor unmarried siblings submit applications for in the same international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to them being separated, the Member State responsible shall be determined on the basis of the following provisions:

- responsibility for examining the applications for asylum ⇒ international protection ⇔ of all the members of the family within the meaning of Article 2(g) √ [...] ← and/or minor unmarried siblings ← shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of √ them ← √ [...] ←;
- (b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.

Article 913

- 1. Where the asylum seeker is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for asylum

 ⇒ international protection

 .
- 2. Where the asylum seeker is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for asylum ⇒ international protection ⇔, unless the visa was issued ⊃ on behalf of another Member State under a representation arrangement as provided for in Article 8 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on visas ⊂ ⊃ [...] ⊂ In such a case, the ⊃ represented ⊂ ⊃ [...] ⊂ Member State shall be responsible for examining the application for ⇒ international protection ⇔ asylum. ⊃ [...] ⊂.
- 3. Where the asylum-seeker is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for

 ⇒ international protection

 asylum shall be assumed by the Member States in the following order:

- (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;
- (b) the Member State which issued the visa having the latest expiry date where the various visas are of the same type;
- (c) where visas are of different kinds, the Member State which issued the visa having the longest period of validity, or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.
- 4. Where the asylum seeker is in possession only of one or more residence documents which have expired less than two years previously or one or more visas which have expired less than six months previously and which enabled him/her actually to enter the territory of a Member State, paragraphs 1, 2 and 3 shall apply for such time as the applicant has not left the territories of the Member States.

Where the asylum seeker is in possession of one or more residence documents which have expired more than two years previously or one or more visas which have expired more than six months previously and enabled him/her actually to enter the territory of a Member State and where he has not left the territories of the Member States, the Member State in which the application \Rightarrow for international protection \Leftarrow is lodged shall be responsible.

5. The fact that the residence document or visa was issued on the basis of a false or assumed identity or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that a fraud was committed after the document or visa had been issued.

Article 1014

➣ Entry and/or stay **☒**

- 1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article <u>2248</u>(3), including the data referred to in Chapter III of Regulation ⊠ [concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Regulation] ⟨∑ (EC) No [.../...] <u>2725/2000</u>, that an asylum seeker has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for asylum ➡ international protection ⇐ . This responsibility shall cease 12 months after the date on which the irregular border crossing took place.
- 2. When a Member State cannot or can no longer be held responsible in accordance with paragraph 1, and where it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 2218(3), that the asylum seeker who has entered the territories of the Member States irregularly or whose circumstances of entry cannot be established at the time of lodging the application has been previously living for a continuous period of at least five months in a Member State ⊠ before lodging the application for international protection ⟨□⟩, that Member State shall be responsible for examining the application for asylum ⇒ international protection ⟨□⟩.

If the applicant has been living for periods of time of at least five months in several Member States, the Member State where this has been most recently the case shall be responsible for examining the application \Rightarrow for international protection \Leftarrow .

Article <u>#15</u>

- 1. If a third-country national ⇒ or a stateless person ⇔ enters into the territory of a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for asylum ⇒ international protection ⇔.
- 2. The principle set out in paragraph 1 does not apply, if the third-country national ⇒ or the stateless person ⇔ lodges his or her application for asylum ⇒ international protection ⇔ in another Member State, in which the need for him or her to have a visa for entry into the territory is also waived. In this case, the latter Member State shall be responsible for examining the application for asylum ⇒ international protection ⇔.

Article 1216

Where the application for \Rightarrow international protection \Leftarrow asylum is made in an international transit area of an airport of a Member State by a third-country national \Rightarrow or a stateless person \Leftarrow , that Member State shall be responsible for examining the application.

CHAPTER IV

HUMANITARIAN CLAUSE

☒ DISCRETIONARY CLAUSES **☒**

Article <u>1517</u>

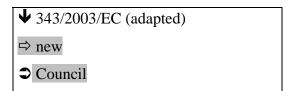
☒ Discretionary clauses **☒**

→ 343/2003/EC Article 3(2) (adapted)⇒ new⊃ Council

By way of derogation from Article 3 paragraph (1), each Member State may (1)...
 decide to (x) examine an application for asylum international protection lodged with it by a third-country national or a stateless person , even if such examination is not its responsibility under the criteria laid down in this Regulation. (1)...

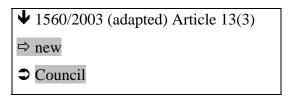
International protection pursuant to this paragraph shall become the Member State responsible within the meaning of this Regulation and shall assume the obligations associated with that responsibility. Where appropriate applicable applicable applicable applicable applicable for determining the Member State responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of or take back the applicant by using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003 .

The Member State becoming responsible in accordance with this paragraph shall also forthwith indicate in EURODAC that it assumed responsibility pursuant to Article 17(6) of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].



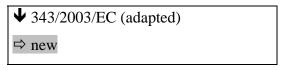
♦ 1560/2003 Article 13(2)

The request to take charge shall contain all the material in the possession of the requesting Member State to allow the requested Member State to assess the situation.

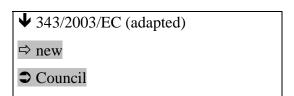


The requested Member State shall carry out the necessary any necessary checks to establish, where applicable, humanitarian reasons, particularly of a family or cultural nature, the level of dependency of the person concerned or the ability or commitment of the other person concerned to provide the assistance desired.

to the humanitarian reasons cited, and shall □[...] □□[...]



 $\underline{\underline{+}}$ Where the \boxtimes requested \boxtimes Member State thus approached accedes to \boxtimes accepts \boxtimes the request, responsibility for examining the application shall be transferred to it.



CHAPTER V

TAKING CHARGE AND TAKING BACK

☒ OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE **☒**

Article 1618

☒ *Obligations of the Member State responsible* **☒**

- 1. The Member State responsible for examining an application for asylum ⇒ international protection ⇔ under this Regulation shall be obliged to:
 - (a) take charge, under the conditions laid down in Articles <u>2117 to 19</u>, 22 and 28</u>, of an asylum seeker who has lodged an application in a different Member State;
 - (b)(c) take back, under the conditions laid down in Articles 23, 24 and 28 $\stackrel{2}{20}$, an applicant whose application is under examination and who \Rightarrow made an application in another Member State or who \Leftrightarrow is in the territory of another Member State without \Rightarrow a residence document \Leftrightarrow ;

- (c)(d) take back, under the conditions laid down in Articles 23, 24 and 28 20, [...] C

 third country national or stateless person C who has withdrawn the application under examination and made an application in another Member State or who is in the territory of another Member State without a residence document C;
- (d)(e) take back, under the conditions laid down in Articles 23, 24 and 28 20, a third-country national ⇒ or a stateless person ⇔ whose application if has been rejected and who ⇒ made an application in another Member State or who ⇔ is in the territory of another Member State without permission ⇒ a residence document. ⇔
- \(\begin{align*} \text{ The Member State responsible shall \(\begin{align*} \Display \text{ in all circumstances referred to in paragraph 1 (a)} \(\begin{align*} \Display \text{ and (b)} \Circ \text{ examine or } \(\begin{align*} \Display \text{ complete the examination of the application for asylum;} \(\Display \text{ international protection made by the applicant, within the meaning of Article 2(d).} \)
 \[
 \)
- D_[...] C D For the cases referred in paragraph 1 (c), when C the Member State responsible had discontinued the examination of an application following its withdrawal by the applicant D before a decision on substance in first instance has been taken C D[...] C, it shall D[...] C D ensure that the applicant is entitled to request that the examination of C his/her D[...] C D application is completed or to lodge a new application for international protection, which shall not be treated as a subsequent application as defined in Directive [2005/85/EC] [Procedures Directive]. In such cases, Member States shall ensure that C the examination of the application D is completed C, within the meaning of Article 2(d) □.

To the cases referred to under paragraph 1 (d), where the application has been rejected at first instance only, the Member State responsible shall ensure that the person concerned has or has had, the opportunity to access an effective remedy, pursuant to Article 39 of Directive 2005/85/EC.
□ □ □ □

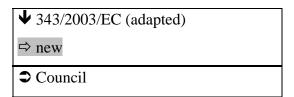
Article19

\boxtimes Cessation of responsibilities \boxtimes

- 2. 3-The obligations specified in Article 18 paragraph (1), shall cease where ⇒ the Member State responsible for examining the application can establish, when requested to take charge or take back an applicant or another person as referred to in Article 18(1) ⊃ (c) or □ (d), that ⇔ the third-country national ⋈ person concerned ⋈ has left the territory of the Member States for at least three months, unless the third-country national ⋈ person concerned ⋈ is in possession of a valid residence document issued by the Member State responsible.

↓ new

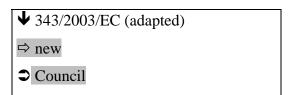
An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.



3. <u>4.</u>The obligations specified in Article 18 paragraph (1)(c)(d) and (d)(e), shall likewise cease once where the Member State responsible for examining the application can establish, when requested to take back an applicant or another person as referred to in Article 18(1) (c) or (d), that has adopted and actually implemented, following the withdrawal or rejection of the application, the provisions that are necessary before the third-country national can go to his country of origin or to another country to which he may lawfully travel the person concerned has left the territory of the Member States in compliance with a return decision or removal order it issued following the withdrawal or rejection of the application.
□

□ new

An application lodged after an effective removal shall be regarded as a new application giving rise to a new procedure for the determination of the Member State responsible.



CHAPTER VI

☒ SECTION I: START OF THE PROCEDURE **☒**

Article <u>420</u>

 \boxtimes Start of the procedure \boxtimes

- 1. The process of determining the Member State responsible under this Regulation shall start as soon as an application for asylum ⇒ international protection ⇔ is first lodged with a Member State.
- 2. An application for asylum ⇒ international protection ⇒ shall be deemed to have been lodged once a form submitted by the applicant for asylum or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.

- 3. For the purposes of this Regulation, the situation of a minor who is accompanying the asylum seeker and meets the definition of a family member set out in Article 2, point

 [...] C g shall be indissociable from that of his /her family member

 [...] and shall be a matter for the Member State responsible for examining the application for sylum international protection of that [...] C family

 [...] C g family member, c, even if the minor is not individually an asylum seeker in provided that this is in his/her best interests in the territory of the Member States, without the need to initiate a new procedure for taking charge of them.
- 4. Where an application for asylum ⇒ international protection ⇔ is lodged with the competent authorities of a Member State by an applicant who is in the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for asylum ⇒ international protection ⇔ was lodged.

The applicant shall be informed in writing of this transfer and of the date on which it took place.

5.	An asylum seeker who is present in another Member State ⊃ […] ⊂ ⊃ without a
	residence document or who there lodges an application for asylum ⇒ international
	protection ← after withdrawing his ☒ first ☒ application ☒ made in a different Member
	State during the process of determining the Member State responsible shall be taken
	back, under the conditions laid down in Articles 2023, 24 and 28, by the Member State
	with which that application for asylum ⇒ international protection ⇔ was ⊠ firstly ⊠
	lodged, with a view to completing the process of determining the Member State
	responsible for examining the application for $\frac{\text{asylum}}{\text{constant}} \Rightarrow \text{international protection} \Leftarrow$.

This obligation shall cease \Rightarrow where the Member State requested to complete the process of determining the responsible Member State can establish that \Rightarrow if the asylum seeker has in the meantime left the territories of the Member States for a period of at least three months or has obtained a residence document from \boxtimes another \boxtimes a Member State.

new			

An application lodged after such an absence shall be regarded as a new application giving rise to a new procedure for the determination of the responsible Member State.

◆ 343/2003/EC (adapted)	
⇒ new	
○ Council	

➣ SECTION II: PROCEDURES FOR TAKE CHARGE REQUESTS **☒**

Article 1721

☒ Submitting a take charge request **☒**

- - ☐ In case of a EURODAC hit with data recorded pursuant to Article 10 of Regulation (EC) No [.../...] concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation, the request shall be sent within two months of receiving that hit pursuant to Article 11(2) of that Regulation. □

Where the request to take charge of an applicant is not made within the period of three months \bigcirc or two months respectively \bigcirc , responsibility for examining the application for asylum \Rightarrow international protection \hookrightarrow shall lie with the Member State in which the application was lodged.

2. The requesting Member State may ask for an urgent reply in cases where the application for asylum ⇒ international protection ⇔ was lodged after leave to enter or remain was refused, after an arrest for an unlawful stay or after the service or execution of a removal order and/or where the asylum seeker is held in detention.

The request shall state the reasons warranting an urgent reply and the period within which a reply is expected. This period shall be at least one week.

3. In both cases, the request that charge be taken by another Member State shall be made using a standard form and including proof or circumstantial evidence as described in the two lists mentioned in Article <u>1822(3)</u> and/or relevant elements from the asylum seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.

The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the procedure referred to in Article $40(2) \frac{27(2)}{2}$.

Article 1822

- 1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.
- 2. In the procedure for determining the Member State responsible for examining the application for asylum ⇒ international protection ⇐ established in this Regulation, elements of proof and circumstantial evidence shall be used.
- 3. In accordance with the procedure referred to in Article 27(2) 40(2) two lists shall be established and periodically reviewed, indicating the elements of proof and circumstantial evidence in accordance with the following criteria:
 - (a) Proof:
 - (i) This refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;
 - (ii) The Member States shall provide the Committee provided for in Article $\frac{27}{40}$ with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.

- (b) Circumstantial evidence:
 - (i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them;
 - (ii) Their evidentiary value, in relation to the responsibility for examining the application for asylum ⇒ international protection ⇔ shall be assessed on a case-by-case basis.
- 4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.
- 5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.
- 6. Where the requesting Member State has pleaded urgency, in accordance with the provisions of Article 17(2) 21(2), the requested Member State shall make every effort to conform to the time limit requested. In exceptional cases, where it can be demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give the reply after the time limit requested, but in any case within one month. In such situations the requested Member State must communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.
- 7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions ⋈ obligation to provide ⋈ for proper arrangements for arrival.

➣ SECTION III. PROCEDURES FOR TAKE BACK REQUESTS <

Article <u>20</u> 23

riangle Submitting a take back request riangle when a new application has been lodged in the requesting Member State riangle riangle

- Where a Member State with which a person as referred to in Article 18(1)(b), (c) or (d) lodged a new application for international protection, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.
- 2. The request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 6(5) of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].

If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the application for international protection was lodged within the meaning of Article 20(2).

- 3. Where the request to take back the person concerned is not made within the periods laid down in paragraph 2, responsibility for examining the application for international protection shall lie with the Member State in which the new application was lodged.
- 4. The request for the person concerned to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.

The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 40(2).

⊃ Article 23A

Submitting a take back request when no new application for international protection has been lodged in the requesting Member State

1. Where a Member State on whose territory a person as referred to in Article 18(1)(b), (c) or (d), is staying without a residence document and with which no new application for international protection has been lodged, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that Member State to take back that person.

2. By derogation from Article 6(2) of Directive 2008/115/EC, where a Member State on whose territory a person is staying without a residence document decides to search the EURODAC system in accordance with article 13 of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation], the request to take back a person as referred to in Article 18 (1) (b) or (c), or a person as referred to in article 18 (1) (d) whose application for international protection not has been rejected by a final decision shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 13(4) of that Regulation.

If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the requesting Member State becomes aware that another Member State may be responsible for the person concerned.

4. Where a person as referred to in Article 18(1)(d) whose application for international protection has been rejected by a final decision in one Member State is on the territory of another Member State without a residence document, the second Member State may either request the first Member State to take back the person concerned or carry out a return procedure in accordance with Directive 2008/115/EC of the European Parliament and of the Council of 6 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

When the second Member State decided to request the first Member State to take back the person concerned, the rules laid down in Directive 2008/115/EC shall not apply.

5. The request for the person referred to in Article 18(1)(b), (c) or (d) to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.

The rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests, shall be adopted in accordance with the procedure referred to in Article 40(2).

⊃ <u>[]</u> C	
	↓ new
<u>D[]</u> C	○ Council
<u>⊃[]</u> C	
	◆ 343/2003/EC (adapted) ⇒ new

⊃ Council

<u>(b)1.</u> <u>t-T</u>he ⊠ requested ⊠Member State <u>ealled upon to take back the applicant</u> shall be <u>obliged to</u> make the necessary checks and ⊠ shall give a decision on ⊠reply to the request ⊠ to take back the person concerned ⊠ addressed to it as quickly as possible and under no circumstances exceeding a period of ⊠ in any event no later than ⊠one month from the referral ⊠ date on which the request was received ⊠ . When the request is based on data obtained from the Eurodac system, this time limit is reduced to two weeks<u>†</u>.

- where the requested Member State does not communicate its decision

 Failure to act ⊠within the one month period or the two weeks period mentioned in subparagraph

 (b) (1),

 shall be tantamount to accepting the request

 shall be considered to have agreed to take back the asylum seeker

 person concerned

 it is including the obligation to provide for proper arrangements for arrival

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 - (d) a Member State which agrees to take back an asylum seeker shall be obliged to readmit that person to its territory. The transfer shall be carried out in accordance with the national law of the requesting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken by another Member State or of the decision on an appeal or review where there is a suspensive effect;

(e) the requesting Member State shall notify the asylum seeker of the decision concerning his being taken back by the Member State responsible. The decision shall set out the grounds on which it is based. It shall contain details of the time limit on carrying out the transfer and shall, if necessary, contain information on the place and date at which the applicant should appear, if he is travelling to the Member State responsible by his own means. This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case-by-case basis if the national legislation allows for this.

If necessary, the asylum seeker shall be supplied by the requesting Member State with a laissez passer of the design adopted in accordance with the procedure referred to in Article 27(2).

The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker or of the fact that he did not appear within the set time limit.

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

➣ SECTION IV. PROCEDURAL SAFEGUARDS **☒**

Article <u>19</u>25

Notification of a transfer decision ✓

1.	Where the requested Member State accepts ⋈ agrees ⋈ that it should ⋈ to ⋈ take
	charge of ⊠ or to take back ⊠an applicant ⊠ or another person as referred to in Article
	18(1) ② (c) or ℃ (d) ⋖ , the ★ requesting ★ Member State in which the application for
	asylum was lodged shall □[] C □ communicate to C the applicant ▷ person
	concerned ≤ of the decision not to examine the application, and of the obligation
	⊃ [] c the decision ⋈ to transfer ⋈ him/her ⋈ the applicant to the responsible
	Member State and, where applicable, of not examining his/her application for
	international protection ☒ ⊃ [] C . ⊃ If a legal advisor or other counsellor is
	representing the person concerned, Member States may choose to provide the decision to
	him/her instead of to the person concerned.

2. The decision referred to in paragraph 1 shall <u>be issued in writing and shall</u> set out the grounds on which it is based. <u>I in fact and in law.</u> <u>I in fact and in law.</u>

- ⊃ [...] © This decision may be subject to an appeal or a review. Appeal or review concerning this decision shall not suspend the implementation of the transfer except when the courts or competent bodies so decide in a case-by-case basis if the national legislation allows for this.
- Solution 3. When the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall Solution [...] Confirm him/her Solution [...] Confir

new		
⊃ Council		

Article 26

Remedies

- 1. The applicant or another person as referred to in Article 18(1) ⊃(c) or C (d) shall have the right to an effective ⊃[...] C remedy, in the form of an appeal or a review, in fact and in law, ⊃[...] C ⊃ against C the transfer decision referred to in Article 25, before a court or tribunal.
- 2. Member States shall provide for a reasonable period of time within which the person concerned may exercise his/her right to an effective ⊃[...]

 ☐ remedy pursuant to paragraph 1.
- 3. In the event of an appeal or review concerning the transfer decision referred to in Article 25, ⊃ and where the right to remain in the Member State concerned pending the outcome of ⊃ [...] ⊂ the appeal or review is not foreseen under national legislation ⊃ [...] ⊂ , that Member ⊃ [...] ⊂ State shall give the person concerned the opportunity to request ⊃ [...] ⊂ ⊃ [...] ⊂ a court or tribunal ⊃ [...] ⊂ to suspend the implementation of the transfer decision ⊂ pending the outcome of his/her appeal or review.

) [...] **C**

D[...] **C**

- The decision on whether to suspend the implementation of the transfer decision, shall be taken within a reasonable period of time. Implementation of the transfer decision, shall be taken within a reasonable period of time. Transfers shall be carried out in accordance with the Charter of Fundamental Rights of the European Union as well as other international obligations of the Member States, including relevant case law from the European Court of Human Rights.
- ► A decision rejecting the request for the suspension of the implementation of the transfer decision pending the outcome of the appeal or review shall state the reasons on which it is based.

 A decision rejecting the request for the suspension of the implementation of the transfer decision pending the outcome of the appeal or review shall state the reasons on which it is

 \bigcirc Member States' competent authorities may \bigcirc [...] \bigcirc decide acting ex officio \bigcirc [...] \bigcirc to suspend the implementation of the transfer decision pending the outcome of the appeal or review, \bigcirc [...] \bigcirc \bigcirc [...] \bigcirc . \bigcirc

- ⊃[...] €
- ⊃[...]C
- ⊃ [...] €
- \bigcirc [...] \bigcirc \bigcirc 4. \bigcirc Member States shall ensure that the person concerned has access to legal assistance \bigcirc [...] \bigcirc and, where necessary, to linguistic assistance.
- □ ____ C □ ___ C Member States shall ensure that legal assistance □ _____ C be granted □ ____ on request C □ _____ C free of charge where the person concerned cannot afford the costs involved □ _____ and insofar as it is necessary to ensure his/her effective access to justice □ ______ C . Member States may provide that, as regards fees and other costs the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. C

Without arbitrarily restricting access to legal assistance,
 □[...]
 Member States may
 □[...]
 provide that free legal assistance not be granted
 □[...]
 where the appeal or review is considered by the competent authority
 □[...]
 to have no tangible prospect of success
 □[...]
 □

D [...] C D Legal assistance shall include at least the preparation of the required procedural documents and representation before the judicial authorities D [...] C and D [...] C may be restricted to legal advisors or counsellors specifically designated by national law to assist and represent asylum seekers.

Procedures for access to legal assistance shall be laid down in national law.

SECTION V. DETENTION FOR THE PURPOSE OF TRANSFER

Article 27

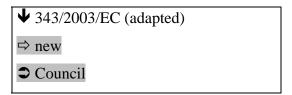
Detention

<u>[...]</u>C

Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection who is subject to the procedure established by this Regulation.
 □

Transfer → procedures ← to the responsible Member State- in accordance with this Regulation when there is a → [...] ← risk of absconding, on the basis of an individual assessment → and only in so far as detention is proportional ←, if other less coercive alternative measures cannot be applied effectively. Detention shall be → as short as possible and ← no longer than the time reasonably necessary to fulfill → with due diligence ← the required administrative procedures → until the transfer under this Regulation is carried out ← → [...] ← .

Member States shall lay down ⊃ in their national legislation ⊂ ⊃ and in accordance with applicable EU and international instruments, ⊂ provisions on conditions for detention of and on guarantees applicable to persons detained ⊃ in order to secure a transfer to the responsible Member State in their national legislation ⊂ ⊃ [...] ⊂ ⊃ [...] ⊂ ⊃ [...] ⊂ ⊂



☒ SECTION VI: TRANSFERS **☒**

The transfer of the applicant \boxtimes or of another person as referred to in Article 18(1) \bigcirc (c) or \bigcirc (d) \boxtimes from the \boxtimes requesting \boxtimes Member State in which the application was lodged to the \boxtimes responsible \boxtimes Member State responsible shall be carried out in accordance with the national law of the \boxtimes requesting \boxtimes first Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken \boxtimes by another Member State to take charge or to take back the person concerned \boxtimes or of the \Longrightarrow final \hookrightarrow decision on an appeal or review where there is \bigcirc there is \bigcirc a suspensive effect \bigcirc [...] \bigcirc in accordance with Article 26(3) \bigcirc or (3A) \bigcirc .

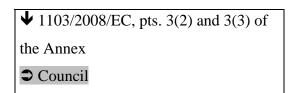
If necessary, the asylum seeker shall be supplied by the requesting Member State with a *laissez passer* of the design adopted in accordance with the procedure referred to in Article $40(2) \frac{27(2)}{2}$.

The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker **⋈** person concerned **⋈** or of the fact that he/<u>she</u> did not appear within the set time limit.

Where the transfer does not take place within the six months' time limit, ⇒ the Member State responsible shall be relieved of its obligations to take charge or to take back the person concerned and responsibility shall then be transferred to the requesting Member State ← responsibility shall lie with the Member State in which the application for asylum was lodged. This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the asylum seeker ⋈ person concerned ⋈ or up to a maximum of eighteen months if the asylum seeker ⋈ person concerned ⋈ absconds.

①	new
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3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.



with the procedure referred to in Article 40(2).



Article 29

Costs of transfers

- 1. The costs necessary to transfer an applicant or another person as referred to in Article 18(1) (c) or (d) to the responsible Member State shall be met by the transferring Member State.
- 2. Where the person concerned has to be sent back to a Member State, as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal after the transfer has been carried out, the Member State which initially carried out the transfer shall be responsible for the costs of transferring the person concerned back to its territory.

- 3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.
- 4. The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in Article 40(2).

Article 30

Exchange of relevant information before transfers being carried out

) [...] **C**

- The Member State carrying out the transfer shall $\bigcirc [...] \bigcirc \bigcirc$ communicate to the responsible Member State such personal data concerning the $\bigcirc [...] \bigcirc \bigcirc$ person \bigcirc to be transferred as is appropriate, relevant and non-excessive for the sole purposes of ensuring that the competent $\bigcirc [...] \bigcirc \bigcirc$ authorities \bigcirc in accordance with national law \bigcirc in the responsible Member State are in a position to provide the $\bigcirc [...] \bigcirc \bigcirc$ person concerned \bigcirc with adequate assistance, including the provision of $\bigcirc [...] \bigcirc \bigcirc$ immediate health care required in order to protect the vital interest of the person concerned \bigcirc , and to ensure continuity in the protection and rights afforded by this Regulation and by \bigcirc other relevant asylum legal instruments. $\bigcirc [...] \bigcirc$ This information shall be communicated to the responsible Member State within a reasonable period of time before a transfer is carried out, in order to ensure that the competent authorities in accordance with national law in the responsible Member State have sufficient time to take the measures required. \bigcirc
- <u>S[...]</u> C <u>State</u> C shall <u>shall</u>, insofar as such information is available to the competent authority in accordance with national law, transmit to the responsible Member State any information that it <u>S[...]</u> c is essential in order to safeguard the rights and immediate special needs of the person concerned, and c in particular <u>S[...]</u> C:
 - (a) any immediate measures the responsible Member State [...] C is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including [...] C any immediate health care that may be required; C

- \bigcirc [...] \bigcirc \bigcirc (b) \bigcirc contact details of family members \bigcirc within the meaning of Article \bigcirc (g) \bigcirc or of other relatives \bigcirc or relations \bigcirc \bigcirc [...] \bigcirc in the receiving Member State, where applicable;
- \bigcirc [...] \bigcirc \bigcirc (c) \bigcirc in the case of minors, information in relation to their \bigcirc [...] \bigcirc education;
- \bigcirc [...] \bigcirc \bigcirc (d) \bigcirc information about the \bigcirc assessment of the \bigcirc age of an applicant.
- The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 33 using the 'DubliNet' electronic communication network set-up under Article 18 of Regulation EC (No) 1560/2003.
 The information exchanged shall only be used for the purposes set out in paragraph
 The information exchanged shall not be further processed.
- ◆ 4. With a view to facilitating the exchange of information between Member States, a standard form for transferring the data required pursuant to this Article shall be adopted in accordance with the procedure laid down in Article 40(2).
- 5. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article. ©

2 Article 30 A C 2 [...] C

DExchange of health data before transfer is being carried out

□ [...] □ 1. □ For the sole purpose of the provision of □ medical □ care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons that have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall □ insofar as available to the competent authority in accordance with national law, transmit to the responsible Member State □ information about any special needs of the □ [...] □ □ person □ to be transferred, which in specific cases may include information about the state of the physical and mental health of the □ [...] □ □ person □ to be transferred. □ The information shall be transferred in a common health certificate with the necessary documents attached. This common health certificate shall be drawn up in accordance with the procedure referred to in Article 40(2). □ The responsible Member State shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required.

<u>⊃∐</u> _	\bigcirc Any information mentioned in paragraph \bigcirc $\boxed{\dots}$ \bigcirc \bigcirc shall only be
	transmitted by the transferring Member State to the responsible Member State after the
	explicit consent of the applicant and/or of $\bigcirc \underline{[\ldots]} \bigcirc \bigcirc$ the person representing him/her \bigcirc
	has been obtained or when this is necessary to protect the vital interests of the individual or
	of another person where he/she is physically or legally incapable of giving his/her consent.
	The lack of consent, including a refusal of consent, to transmitting any information
	referred to in paragraph 1 shall not be an obstacle to carrying out his/her transfer
	$\mathfrak{D}_{[]}\mathfrak{C}_{\mathfrak{C}}\mathfrak{D}_{[]}\mathfrak{C}_{\mathfrak{C}}$
	⊅[]¢
<u>[]</u>	► 3. ► The processing of personal health data • referred to in paragraph 1 ► shall
	only be carried out by a health professional subject under national law or rules established
	by national competent bodies to the obligation of professional secrecy or by another person
	subject to an equivalent obligation of secrecy. $\bigcirc [\dots] \bigcirc$

⊃[...] C ⊃ 4. C The exchange of information under this Article shall only take place between

the \bigcirc [...] \bigcirc \bigcirc health professionals or other persons referred to in paragraph 3. \bigcirc

The information exchanged shall only be used for the purposes set out in

paragraph $\bigcirc [...] \bigcirc \bigcirc 1 \bigcirc of$ this Article $\bigcirc and$ shall not be further processed. \bigcirc

) [...] **C**

□ [...] C The procedures and practical arrangements for exchanging
 □ [...] C the information referred to in paragraph 1, C shall be adopted in accordance with the procedure laid down in Article 40(2).

) [...] **C**

⊃[...] C ⊃[...] C ⊃6. C The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article.

2[...] C

⊃[...]C

Article 31 C

△ A mechanism for **△**[...] **C** early warning, **△**[...] **C** preparedness and crisis management **C**

Nhere, based in particular on the information gathered by EASO pursuant to □[...] □

Regulation (EU) 439/2010 □[...] □ □[...] □ the Commission establishes that the application of this Regulation may be jeopardised due to either the identification of a substantiated risk of particular pressure on a Member State's asylum system □[...] □ and/or □[...] □ because of problems in the functioning of the asylum system of a Member State □[...] □ □[...] □ □[...] □ □[...] □ , the Commission, in cooperation with EASO, □[...] □ shall address recommendations to that Member State inviting it to draw up a preventive action plan □[...] □ . The Member State concerned shall inform the Council and the Commission whether it intends to present a preventive action plan following the Commission's recommendations. □

- A Member State may upon its own discretion and initiative draw up a preventive action plan and subsequent revisions thereof ⊃ [...] C . ⊃ [...] C When drawing up a preventive action plan, the Member State may call for the assistance of the Commission ⊃ [...] C other Member States, EASO and other relevant EU agencies. C
- ② 2. a) Where a preventive action plan is drawn up, the Member State concerned shall submit it as well as regular reports on its implementation ③ [...] ⓒ the Commission.

 Where necessary, the Commission shall submit reports on its implementation to the Council. ⓒ
 - b) Where a preventive action plan is drawn up, the Member State concerned shall take all appropriate measures to deal with the situation of particular pressure or to ensure that the deficiencies identified are addressed before the situation deteriorates.

) [...] **C**

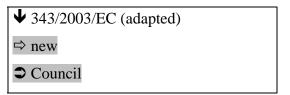
that the implementation of the preventive action plan □ [...] □ has not remedied
the deficiencies identified or where there is a serious risk that the asylum situation in
that Member State develops into a crisis, which is unlikely to be remedied by a

preventive action plan, the Commission □ [...] □ □ [...] □ may give

recommendations to the Member State concerned the elaboration □ [...] □ of a

crisis management □ [...] □ action plan and, where necessary □ [...] □ revisions
thereof. □

- 3. a) ⊃[...] ⊂ Following this ⊃[...] ⊂ request ⊃[...] ⊂, the Member State concerned shall, in cooperation with the Commission and EASO, elaborate a crisis management action plan ⊃[...] ⊂. ⊂
 - Description b) Where a crisis management action plan is drawn up, Description is drawn up, Description of the Member State concerned shall submit Description of this plan and, at least every three months, report Description on its Description of the Description of the Description of the Description of the Commission shall inform the Council and the European Parliament Description on the Crisis management action plan, its implementation and possible revisions. Description of the Desc



CHAPTER ¥¥VII

ADMINISTRATIVE COOPERATION

Article 2132

☒ *Information sharing* **☒**

- 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the asylum seeker as is appropriate, relevant and non-excessive for:

- (b) examining the application for ⇒ international protection; ⇔ asylum;
- (c) implementing any obligation arising under this Regulation.
- 2. The information referred to in paragraph 1 may only cover:
 - personal details of the applicant, and, where appropriate, the members of his family

 within the meaning of Article 2(g), or other relatives or relations, □[...] □

 (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth);
 - (b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);
 - other information necessary for establishing the identity of the applicant, including fingerprints processed in accordance with Regulation (EC) No <u>2725/2000</u>
 [.../...]⊠[concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation] ⊠;
 - (d) places of residence and routes travelled;
 - (e) residence documents or visas issued by a Member State;
 - (f) the place where the application was lodged;
 - (g) the date any previous application for asylum ⇒ international protection ⇔ was lodged, the date the present application was lodged, the stage reached in the proceedings and the decision taken, if any.

Furthermore, provided it is necessary for the examination of the application for asylum

international protection

the Member State responsible may request another Member

State to let it know on what grounds the asylum seeker bases his application and, where applicable, the grounds for any decisions taken concerning the applicant. The Member

State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm the essential interests of the Member State or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for asylum

international protection, obtained by the

In this case, the applicant must know for what information he/she is giving his/her approval.

In this case, the applicant must know for what information he/she is

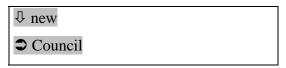
- 4. Any request for information shall ⇒ only be sent in the context of an individual application for international protection. It shall ⇒ set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested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

- 6. The exchange of information shall be effected at the request of a Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission ⇒ in accordance with Article 33(1) ⇔ which shall inform the other Member States thereof.
- 7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with:

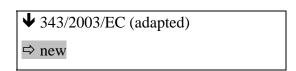
 - (b) examining the application for asylum ⇒ international protection; ⇔
 - (c) implementing any obligation arising under this Regulation.
- 8. The Member State which forwards the information shall ensure that it is accurate and upto-date. If it transpires that that Member State has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased.
- 9. The asylum seeker shall have the right to be informed, on request, of any data that is processed concerning him/her.

If he finds that this information has been processed in breach of this Regulation or of Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (8), in particular because it is incomplete or inaccurate, he is entitled to have it corrected ∑ or ⊠ erased. or blocked.

The authority correcting \boxtimes or \boxtimes erasing or blocking the data shall inform, as appropriate, the Member State transmitting or receiving the information.



The asylum seeker shall have the right to bring an action or a complaint before the competent authorities or courts of the Member State which refused the right of access to or the right of correction or $\bigcirc [\ldots] \bigcirc$ erasure \bigcirc of data relating to him/her.



- 10. In each Member State concerned, a record shall be kept, in the individual file for the person concerned and/or in a register, of the transmission and receipt of information exchanged.
- 11. The data exchanged shall be kept for a period not exceeding that which is necessary for the purposes for which it is exchanged.

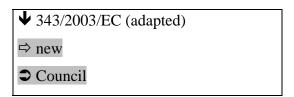
12. Where the data is not processed automatically or is not contained, or intended to be entered, in a file, each Member State should ⇒ shall ⇒ take appropriate measures to ensure compliance with this Article through effective checks.

Article 2233

☒ Competent authorities and resources **☒**

new

- 2. The Commission shall publish a consolidated list of the authorities referred to in paragraph 1 in the Official Journal of the European Union. Where there are amendments thereto, the Commission shall publish once a year an updated consolidated list.
- 3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.



Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests \Rightarrow , replies and all written correspondence \Leftarrow and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in Article $40(2)\frac{27(2)}{2}$.

Article 2334

☒ Administrative arrangements **☒**

- Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details of the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to:
 - (a) exchanges of liaison officers;
 - (b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back asylum seekers;

- 2. Member States may also maintain the administrative arrangements concluded under

 Regulation (EC) No 343/2003. To the extent that such arrangements are not compatible

 with this Regulation, the Member States concerned shall amend the arrangements in such a

 way as to eliminate ⊃ [...] ⊂ any incompabilities ⊃ [...] ⊂ observed. ⊂
- 3. Before concluding or amending any arrangement referred to in paragraph 1(b), the

 Member States concerned shall consult the Commission as to the compatibility of the

 arrangement with this Regulation.

 □
- D[...] C ⊃ 4. If the Commission considers the arrangements referred to in paragraph 1(b) to be incompatible with this Regulation, it shall, within a reasonable period, notify the Member States concerned. The Member States shall take all appropriate steps to amend the arrangement concerned within a reasonable period in such a way as to eliminate ⊃ [...] C any incompatibilities ⊃ [...] C observed. C
- ⇒ 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto.

▶ 1560/2003 (adapted)
⇒ new

⋈ CHAPTER VIII **⋈**

Conciliation

Article 1435

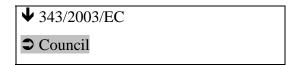
☒ Conciliation **☒**

- 1. Where the Member States cannot resolve a dispute, either on the need to carry out a transfer or to bring relatives together on the basis of Article 15 of Regulation (EC) No 343/2003, or on the Member State in which the person concerned should be reunited, ⇒ on any matter related to the application of this Regulation, ⇔ they may have recourse to the conciliation procedure provided for in paragraph 2 of this Article.
- 2. The conciliation procedure shall be initiated by a request from one of the Member States in dispute to the Chairman of the Committee set up by Article <u>2740</u> of Regulation (EC) No <u>343/2003</u>. By agreeing to use the conciliation procedure, the Member States concerned undertake to take the utmost account of the solution proposed.

The Chairman of the Committee shall appoint three members of the Committee representing three Member States not connected with the matter. They shall receive the arguments of the parties either in writing or orally and, after deliberation, shall propose a solution within one month, where necessary after a vote.

The Chairman of the Committee, or his deputy, shall chair the discussion. He may put forward his point of view but he may not vote.

Whether it is adopted or rejected by the parties, the solution proposed shall be final and irrevocable.



TRANSITIONAL PROVISIONS AND FINAL PROVISIONS

⊃Article 35 A **⊃**[...] **⊂**

Data security and data protection

Member States shall take all appropriate measures to ensure the security of transmitted personal data ⊃ [...] ⊂ and in particular to avoid unlawful or unauthorized access or disclosure, alteration or loss of personal data processed.

Each Member State shall provide that the national supervisory authority or authorities designated pursuant to Article 28(1) of Directive 95/46/EC shall monitor independently, in accordance with its respective national law, the lawfulness of the processing, in accordance with this Regulation, of personal data by the Member State in question.

Article 35 B ⊅[...] C

Confidentiality

Member States shall ensure that the authorities referred to in Article 33 are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.

↓ new

Article 36

Penalties

Member States shall take the necessary measures to ensure that any misuse of data processed in accordance with this Regulation is punishable by penalties, including administrative and/or criminal penalties in accordance with national law, that are effective, proportionate and dissuasive.

♦ 343/2003/EC (adapted)

⊃ Council

Article <u>2437</u>

☒ Transitional measures **☒**

- 1. This Regulation shall replace the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990 (Dublin Convention).
- 2. However, to ensure continuity of the arrangements for determining the Member State responsible for an application for asylum, www. Where an application has been lodged after the date mentioned in the second paragraph of Article 29-44, the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date, with the exception of the events mentioned in Article 14(2). 10(2).
- 3. Where, in Regulation (EC) No 2725/2000 reference is made to the Dublin Convention, such reference shall be taken to be a reference made to this Regulation.

Article2538

☒ Calculation of time-limits **☒**

±Any period of time prescribed in this Regulation shall be calculated as follows:

- (a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;
- a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place.
 If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;
- (c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.

2.Requests and replies shall be sent using any method that provides proof of receipt.

Article 2639

X Territorial scope *X*

As far as the French Republic is concerned, this Regulation shall apply only to its European territory.

Article 2740

Committee ✓

- 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 [...] shall apply.



▶ 1103/2008/EC, pt. 3(4) of the Annex

○ Council

) [...] **C**

◆ 343/2003/EC (adapted)

Council

- <u>[...]</u>C
- <u>[...]</u>C
- <u>[...]</u>C
- ⊃[...] C
- <u>]...]</u>C

Article <u>2841</u>

☒ Monitoring and evaluation **☒**

At the latest three years after the date mentioned in the first paragraph of Article 44 29, the Commission shall report to the European Parliament and the Council on the application of this Regulation and, where appropriate, shall propose the necessary amendments. Member States shall forward to the Commission all information appropriate for the preparation of that report, at the latest six months before that time limit expires.

|--|

Article 42

Statistics

In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council, Member States shall communicate to the Commission (Eurostat), statistics concerning the application this Regulation and of Regulation (EC) No 1560/2003.



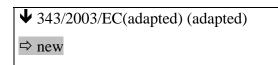
Article 43

Repeal

Regulation (EC) 343/2003 is repealed.

Articles 11(1), 13, 14 and 17 of Commission Regulation (EC) No 1560/2003 are repealed.

References to the repealed Regulation or Articles shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.



This Regulation shall enter into force on the $\frac{20th}{t}$ twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply to asylum applications \Rightarrow for international protection \Leftarrow lodged as from the first day of the sixth month following its entry into force and, from that date, it will apply to any request to take charge of or take back asylum seekers, irrespective of the date on which the application was made. The Member State responsible for the examination of an asylum application \Rightarrow for international protection \Leftarrow submitted before that date shall be determined in accordance with the criteria set out in the \boxtimes Regulation (EC) No 343/2003 \boxtimes Dublin Convention.

This Regulation shall be binding in its entirety and directly applicable in the Member States in conformity with the Treaty establishing the European Community.

Done at [...]

For the European Parliament

The President

[...]

For the Council

The President

[...]

ANNEX I

REPEALED REGULATION (REFERRED TO IN ARTICLE 43)

Council Regulation (EC) No 343/2003

(OJ L 50, 25.2.2003)

Commission Regulation (EC) No 1560/2003 only Articles 11(1), 13, 14 and 17

(OJ L 222, 5.9.2003)

ANNEX II

CORRELATION TABLE

Regulation (EC) 343/2003	This Regulation
Article 1	Article 1
Article 2(a)	Article 2(a)
Article 2(b)	deleted
Article 2(c)	Article 2(b)
Article 2(d)	Article 2(c)
Article 2(e)	Article 2(d)
Article 2(f)	Article 2(e)
Article 2(g)	Article 2(f)
-	Article 2(g)
Article 2(h) to (k)	Article 2(h) to (k)
-	Article 2(1)
Article 3(1)	Article 3(1)
Article 3(2)	Article 17(1)
Article 3(3)	Article 3(3)
Article 3(4)	Article 4(1), introductory wording
-	Article 4(1)(a) to (g)
-	Article 4(2) and (3)
Article 4 (1) to (5)	Article 20 (1) to (5)
-	Article 20 (5), third sub-paragraph
-	Article 5
-	Article 6
	•

Article 5(1)	Article 7(1)
Article 5(2)	Article 7(2)
-	Article 7(3)
Article 6, first paragraph	Article 8(1)
-	Article 8(3)
Article 6, second paragraph	Article 8(4)
Article 7	Article 9
Article 8	Article 10
Article 9	Article 13
Article 10	Article 14
Article 11	Article 15
Article 12	Article 16
Article 13	Article 3(2)
Article 14	Article 12
Article 15(1)	Article 17(2), first sub-paragraph
Article 15(2)	Article 11(1)
Article 15(3)	Article 8(2)
Article 15(4)	Article 17(2), fourth sub-paragraph
Article 15(5)	Articles 8(5) and Article 11(2);
Article 16(1)(a)	Article 18(1)(a)
Article 16(1)(b)	Article 18(2)
Article 16(1)(c)	Article 18(1)(b)
Article 16(1)(d)	Article 18(1)(c)
Article 16(1)(e)	Article 18(1)(d)
Article 16(2)	Article 19(1)
Article 16(3)	Article 19(2), first sub-paragraph
	I

-	Article 19(2), second sub-paragraph
Article 16(4)	Article 19(3)
	Article 19(3), second sub-paragraph
Article 17	Article 21
Article 18	Article 22
Article 19(1)	Article 25(1)
Article 19(2)	Article 25(2) and Article 26(1)
-	Article 26(2) to (6)
Article 19(3)	Article 28(1)
Article 19(4)	Article 28(2)
-	Article 28(3)
Article 19(5)	Article 28(4)
Article 20(1), introductory wording	Article 23(1)
-	Article 23(2)
-	Article 23(3)
-	Article 23(4)
Article 20(1)(a)	Article 23(5), first sub-paragraph
Article 20(1)(b)	Article 24(1)
Article 20(1)(c)	Article 24(2)
Article 20(1)(d)	Article 28(1), first sub-paragraph
Article 20(1)(e)	Article 25(1), (2), Article 26(1), Article
	28(1), second and third sub-paragraphs;
Article 20(2)	Article 28(2)
Article 20(3)	Article 23(5), second sub-paragraph
Article 20(4)	Article 28(4)
-	Article 27
	·

-	Article 29
-	Article 30
-	Article 31
Article 21(1) to (9)	Article 32(1) to (9) first to third subparagraph
	Article 32(9) fourth sub-paragraph
Article 21(10) to (12)	Article 32(10) to (12)
Article 22(1)	Article 33(1)
-	Article 33(2)
-	Article 33(3)
Article 22(2)	Article 33(4)
Article 23	Article 34
Article 24(1)	deleted
Article 24(2)	Article 37
Article 24(3)	deleted
Article 25(1)	Article 38
Article 25(2)	deleted
Article 26	Article 39
Article 27(1), (2)	Article 40 (1), (2)
Article 27(3)	deleted
Article 28	Article 41
Article 29	Article 44
-	Article 35
-	Article 36
-	Article 42
-	Article 43
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Regulation (EC) 1560/2003	This Regulation
Article 11(1)	Article 11(1)
Article 13(1)	Article 17(2), first sub-paragraph
Article 13(2)	Article 17(2), second sub-paragraph
Article 13(3)	Article 17(2), third sub-paragraph
Article 13(4)	Article 17(2), first sub-paragraph
Article 14	Article 35
Article 17(1)	Articles 9, 10, 17(2), first sub-paragraph
Article 17(2)	Article 32(3)