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NOTE

from: Presidency
to: Permanent Representatives Committee (Part II)

No. Cion prop.: 16929/08 ASILE 26 CODEC 1758

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 [**First
 reading**]

On 7 November 2012 the Permanent Representatives Committee considered a Presidency compromise concerning the comitology-related provisions of the proposal, (as set out in document 15585/2012) which contained provisions for delegated acts in Articles 8,16A and 28. That discussion showed that there was not sufficient support for the compromise put forward by the Presidency in doc. 15585/12.

The Presidency was subsequently in contact with the Rapporteur and outlined the concerns expressed by delegations, with particular reference to Art. 28 and the issue of transfers.

Following this exchange of views the Presidency is of the view that a viable compromise might be based along the text that is set out in the Annex to this note.

In summary the changes vis-à-vis the doc. 15585/12 are the following:

- Recital 31C (standard recital for delegated acts for Article 28) has been deleted.
- In the light of the discussions in last week's Coreper, a technical correction has been made in Article 6 paragraph 5, where the reference to implementing powers does not cover the entire Article but only paragraph 4 of that Article.
- Recital 19 has been modified in order to include among the principles to be taken into account in the case of transfers, along with the full respect of fundamental rights and human dignity, the best interests of the child as well as relevant case-law concerning transfers under escort.
- The implementing powers of Article 28 have become more specific, whereby uniform rules in cases of delayed or postponed transfers are provided for, following acceptance by default, or in cases of transferring minors or dependents, as well as uniform procedures for carrying out supervised transfers (cases already covered in Articles 7-10 of Regulation 1560/2003 along with procedures in the transfers of minors and dependents).

The Presidency invites the Permanent Representatives Committee to endorse the amended compromise package and to mandate the Presidency to conduct on its basis the upcoming informal trilogue with the European Parliament on the outstanding issues of the recast Dublin Regulation.

Changes vis-à-vis doc. 15585/12, are reflected in the right column of the text in Annex and are in bold underlined and strikethrough.

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)

Recital 19	
	<p>(19) 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 343/2003¹, 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 by providing adequate information to the applicant and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full respect for fundamental rights and human dignity <u>as well as the best interests of the child and taking utmost account of developments in the relevant case-law, in particular as regards transfers on humanitarian grounds.</u></p>

¹ OJ L222, 5.9.2003, p.3.

<p style="text-align: center;">Recital 30</p>	
<p>(30) ➔ [...] ☹ ➔ <u>In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. of the European Parliament and of the Council of 16 February 2011 ☹ laying down ➔ [...] ☹ ➔ the rules and general principles concerning mechanisms for control by the Member States of ☹ the Commission ➔ 's exercise of implementing powers ☹ .</u></p>	<p>(30) ➔ [...] ☹ ➔ <u>In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. of the European Parliament and of the Council of 16 February 2011 ☹ laying down ➔ [...] ☹ ➔ the rules and general principles concerning mechanisms for control by the Member States of ☹ the Commission ➔ 's exercise of implementing powers ☹ .</u></p>
<p style="text-align: center;">Recital 31</p>	<p style="text-align: center;">Recital 31</p>
<p>(31) ➔ [...] ☹ ➔ <u>The examination procedure should be used for the adoption of an information leaflet on Dublin/Eurodac, for procedures aiming to facilitate the appropriate actions to identify the family member, sibling or relative of the unaccompanied minor living in the territory of another Member State, for procedures related to the implementation measures concerning the reunification of unaccompanied minors with relatives and dependent persons with children, siblings or parents ➔ [...] ➔ , 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</u></p>	<p>(31) ➔ [...] ☹ ➔ <u>The examination procedure should be used for the adoption of an information leaflet on Dublin/Eurodac, for procedures aiming to facilitate the appropriate actions to identify the family member, sibling or relative of the unaccompanied minor living in the territory of another Member State, for procedures related to the implementation measures concerning the reunification of unaccompanied minors with relatives and dependent persons with children, siblings or parents ➔ [...] ☹ , 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</u></p>

<p>design of the laissez-passer, the procedures for carrying out transfers and meeting their costs, drawing a standard form of data exchange, drawing standart form for a common health certificate 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. ©</p>	<p>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, drawing a standard form for a common health certificate 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. ©</p>
<p><u>(31A) In order to provide for supplementary non-essential rules on the identification of family members, siblings or relatives of the unaccompanied minor, the criteria to be taken into account when assessing the capacity of the relative to take care of the unaccompanied minor and supplementary rules when assessing the capacity to take care of the unaccompanied minor in the cases where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should</u></p>	<p>(31A) In order to provide for supplementary non-essential rules on the identification of family members, siblings or relatives of the unaccompanied minor, the criteria to be taken into account when assessing the capacity of the relative to take care of the unaccompanied minor and supplementary rules when assessing the capacity to take care of the unaccompanied minor in the cases where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations</p>

<p><u>ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</u></p>	<p>during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p>
<p><u>(31B) In order to provide for supplementary non-essential rules on the elements to be taken into account in order to assess the dependency link, the criteria to take into account in assessing the capacity of the person concerned to take care of the dependant and the elements to be taken into account in order to assess the inability to travel for a significant period of time, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</u></p>	<p><u>(31B) In order to provide for supplementary non-essential rules on the elements to be taken into account in order to assess the dependency link, the criteria to take into account in assessing the capacity of the person concerned to take care of the dependant and the elements to be taken into account in order to assess the inability to travel for a significant period of time, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</u></p>

<p><u>(31C) In order to provide for supplementary rules on the non-essential aspects of modalities and time-limits for transfers the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</u></p>	<p><u>(31C) In order to provide for supplementary rules on the non-essential aspects of modalities and time-limits for transfers the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</u></p>
<p style="text-align: center;"><u>Article 4</u> ⊗ Right to information ⊗</p>	<p style="text-align: center;"><u>Article 4</u> ⊗ Right to information ⊗</p>
<p><u>41.</u> ⇒ 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: [⊗]</p>	<p><u>41.</u> ⇒ 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: [⊗]</p>

<p>(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 ☹ ;</p>	<p>(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 ☹ ;</p>
<p>(b) the criteria for allocating responsibility, ➡ and their hierarchy ☹ ➡ the different steps of the procedure, ➡ and their duration including that an application for international protection made in one Member State can result in that Member State becoming responsible for under this Regulation even if it does not follow from the criteria allocating responsibility ☹ ➡ [...] ☹ ➡ [...] ☹ ➡ [...] ☹ ; ☹</p>	<p>(b) the criteria for allocating responsibility, ➡ and their hierarchy ☹ ➡ the different steps of the procedure, ➡ and their duration including that an application for international protection made in one Member State can result in that Member State becoming responsible for under this Regulation even if it does not follow from the criteria allocating responsibility ☹ ➡ [...] ☹ ➡ [...] ☹ ➡ [...] ☹ ; ☹</p>
<p>➡ (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), siblings ➡ [...] ☹ relatives ➡ [...] ☹ or relations in the Member States, including the means by which the applicant can submit such information; ☹</p>	<p>➡ (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), siblings ➡ [...] ☹ relatives ➡ [...] ☹ or relations in the Member States, including the means by which the applicant can submit such information; ☹</p>
<p>➡ [...] ☹</p>	<p>➡ [...] ☹</p>

<p>➔ [...] ☒ ☒ (c) ☒ the possibility to challenge a transfer decision ➔ and, where applicable, to apply for suspension of the transfer ☒ ;</p>	<p>➔ [...] ☒ ☒ (c) ☒ the possibility to challenge a transfer decision ➔ and, where applicable, to apply for suspension of the transfer ☒ ;</p>
<p>➔ [...] ☒ ☒ (d) ☒ the fact that the competent authorities ➔ of Member States ☒ can exchange data on him/her for the sole purpose of implementing the obligations arising under this Regulation;</p>	<p>➔ [...] ☒ ☒ (d) ☒ the fact that the competent authorities ➔ of Member States ☒ can exchange data on him/her for the sole purpose of implementing the obligations arising under this Regulation;</p>
<p>➔ [...] ☒ ☒ (e) ☒ the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, ➔ [...] ☒ ➔ as well as ☒ the procedures for exercising those rights ➔ [...] ☒ ☒ including ☒ the contact details ➔ of the authorities referred to in Article 33 ☒ and of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.</p>	<p>➔ [...] ☒ ☒ (e) ☒ the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, ➔ [...] ☒ ☒ ➔ as well as ☒ the procedures for exercising those rights ➔ [...] ☒ ☒ including ☒ the contact details ➔ of the authorities referred to in Article 33 ☒ and of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.</p>
<p>2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant ➔ understands or may ☒ ➔ [...] ☒ reasonably ➔ [...] ☒ ☒ be presumed ☒ to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.</p>	<p>2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant ➔ understands or may ☒ ➔ [...] ☒ reasonably ➔ [...] ☒ ☒ be presumed ☒ to understand. Member States shall use the common leaflet drawn up pursuant to paragraph 3 for that purpose.</p>

<p>Where necessary for the proper understanding of the applicant, ☞ [...] ☞ the information shall also be supplied orally ☞ for example ☞ ☞ [...] ☞ ☞ ☞ [...] ☞ in connection with the personal interview as stipulated in Article 5 ☞ .</p>	<p>Where necessary for the proper understanding of the applicant, ☞ [...] ☞ the information shall also be supplied orally ☞ for example ☞ ☞ [...] ☞ ☞ ☞ [...] ☞ in connection with the personal interview as stipulated in Article 5 ☞ .</p>
<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p>
<p>3. <u>The Commission shall adopt implementing acts concerning the drawing-up of a common leaflet, as well as a specific leaflet for unaccompanied minors</u>, containing the information referred to in paragraph 1 shall be drawn up in accordance with the procedure referred to in Article 40(2). This common leaflet shall also include information regarding the application of the Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Regulation (EC) No [.../...] and in particular the purpose for which the data of the asylum seeker concerned will be processed within EURODAC. <u>The common leaflet shall be established in such a manner that it enables Member States to complete it with additional Member State specific information.</u></p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>3. The Commission shall adopt implementing acts concerning the drawing-up of a common leaflet, as well as a specific leaflet for unaccompanied minors, containing the information referred to in paragraph 1 shall be drawn up in accordance with the procedure referred to in Article 40(2). This common leaflet shall also include information regarding the application of the Regulation concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Regulation (EC) No [.../...] and in particular the purpose for which the data of the asylum seeker concerned will be processed within EURODAC. The common leaflet shall be established in such a manner that it enables Member States to complete it with additional Member State specific information.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in</p>

	Article 40(2).
☞ [...] ☺	☞ [...] ☺
☞ [...] ☺	☞ [...] ☺
<i>Article 6</i> <i>Guarantees for ☞ [...] ☺ minors</i>	<i>Article 6</i> <i>Guarantees for ☞ [...] ☺ minors</i>
1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.	1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.
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 qualifications and ☞ [...] ☺ expertise in view of ensuring that the best interests of the minor are taken into consideration ☞ [...] ☺ during the procedures carried out under this Regulation. He/she shall have access to the content of the relevant documents in the applicant's file ☞ [...] ☺ ☞ [...] ☺ including the specific leaflet for unaccompanied minors. This paragraph shall be without prejudice to the relevant provisions in Art 25 of the Asylum Procedures Directive. ☺	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 qualifications and ☞ [...] ☺ expertise in view of ensuring that the best interests of the minor are taken into consideration ☞ [...] ☺ during the procedures carried out under this Regulation. He/she shall have access to the content of the relevant documents in the applicant's file ☞ [...] ☺ ☞ [...] ☺ including the specific leaflet for unaccompanied minors. This paragraph shall be without prejudice to the relevant provisions in Art 25 of the Asylum Procedures Directive. ☺
3. In assessing the best interests of the child, Member States shall closely cooperate with	3. In assessing the best interests of the child, Member States shall closely

<p>each other and shall, in particular, take due account of the following factors:</p>	<p>cooperate with each other and shall, in particular, take due account of the following factors:</p>
<p>(a) family reunification possibilities;</p>	<p>(a) family reunification possibilities;</p>
<p>(b) the minor's well-being and social development Ü [...] Û;</p>	<p>(b) the minor's well-being and social development ➔ [...] Ⓢ;</p>
<p>(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;</p>	<p>(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;</p>
<p>(d) the views of the minor, in accordance with his/her age and maturity.</p>	<p>(d) the views of the minor, in accordance with his/her age and maturity.</p>
<p>➔ [...] Ⓢ</p>	<p>➔ [...] Ⓢ</p>
<p>➔ 4. ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ For the purpose of applying Article 8, the Member State ➔ [...] Ⓢ in which the application for international protection was lodged by the unaccompanied minor shall as soon as possible ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ take appropriate action to identify the ➔ [...] Ⓢ family ➔ members ➔ [...] Ⓢ , siblings ➔ [...] Ⓢ or ➔ [...] Ⓢ ➔ the ➔ relatives ➔ of the unaccompanied minor in ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ the territory of Member States ➔ [...] Ⓢ ➔ , ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ whilst protecting ➔ [...] Ⓢ ➔ the minor's best interests. Ⓢ</p>	<p>➔ 4. ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ For the purpose of applying Article 8, the Member State ➔ [...] Ⓢ in which the application for international protection was lodged by the unaccompanied minor shall as soon as possible ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ take appropriate action to identify the ➔ [...] Ⓢ family ➔ members ➔ [...] Ⓢ , siblings ➔ [...] Ⓢ or ➔ [...] Ⓢ ➔ the ➔ relatives ➔ of the unaccompanied minor in ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ the territory of Member States ➔ [...] Ⓢ ➔ , ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ ➔ [...] Ⓢ</p>

	<p>☞ [...] ☞ ☞ [...] ☞ whilst protecting ☞ [...] ☞ the minor's best interests. ☞</p>
<p>☞ To that end, they may call for assistance of international or other relevant organisations, including through facilitating the minor's access to the tracing services of such organisations. ☞</p>	<p>☞ To that end, they may call for assistance of international or other relevant organisations, including through facilitating the minor's access to the tracing services of such organisations. ☞</p>
<p>☞ The staff of the competent authorities referred to in Article 33 who deal with requests concerning unaccompanied minors shall have had and continue to receive appropriate knowledge appropriate training concerning the specific needs of minors. ☞</p>	<p>☞ The staff of the competent authorities referred to in Article 33 who deal with requests concerning unaccompanied minors shall have had and continue to receive appropriate knowledge appropriate training concerning the specific needs of minors. ☞</p>
<p><u>5. With a view to facilitating the appropriate actions to identify the family member, sibling or relative of the unaccompanied minor living in the territory of another Member State pursuant to this Article, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>5. With a view to facilitating the appropriate actions to identify the family member, sibling or relative of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 4 of this Article, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>

<p style="text-align: center;">Article 6 § 8 ↻ [...] Ⓞ ↻ Minors Ⓞ</p>	<p style="text-align: center;">Article 6 § 8 ↻ [...] Ⓞ ↻ Minors Ⓞ</p>
<p>1 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. ↻ Where the applicant is a married minor whose spouse is not legally present in the territory of the Member States, the Member State responsible for examining the applicant for international protection shall be that where the father, mother or another adult responsible for him/her whether by law or by the national practice of the Member State or the sibling where the latter is legally present. Ⓞ</p>	<p>1 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. ↻ Where the applicant is a married minor whose spouse is not legally present in the territory of the Member States, the Member State responsible for examining the applicant for international protection shall be that where the father, mother or another adult responsible for him/her whether by law or by the national practice of the Member State or the sibling where the latter is legally present. Ⓞ</p>
<p>2. 3. If ☒ Where ☒ ⇒ the applicant ⇐ asylum-seeker is an unaccompanied minor who has a ↻ [...] Ⓞ relative ↻, who is ↻ [...] Ⓞ ⇐ ↻ [...] Ⓞ or relatives ⇒ legally ↻ [...] Ⓞ ⇐ present ↻ [...] Ⓞ ⇐ ⇐ in another Member State ↻ [...] Ⓞ ⇐ and where it is established, based on an individual examination, that the relative Ⓞ can take care</p>	<p>2. 3. If ☒ Where ☒ ⇒ the applicant ⇐ asylum-seeker is an unaccompanied minor who has a ↻ [...] Ⓞ relative ↻, who is ↻ [...] Ⓞ ⇐ ↻ [...] Ⓞ ⇐ ↻ [...] Ⓞ ⇐ ↻ [...] Ⓞ ⇐ ⇐ relatives ⇒ legally ↻ [...] Ⓞ ⇐ present ↻ [...] Ⓞ ⇐ ⇐ in another Member State ↻ [...] Ⓞ ⇐ and where it is established, based on an individual examination, that</p>

<p>of him or her, ⊗ that ⊗ Member States shall ☞ unite the minor with his/her relative and ☞ if possible unite the minor with his or her relative or relatives, ⇒ be responsible for examining the application, provided that ↵ unless this is not in the best interest ☞ [...] ☞ of the minor.</p>	<p>the relative ☞ can take care of him or her, ⊗ that ⊗ Member States shall ☞ unite the minor with his/her relative and ☞ if possible unite the minor with his or her relative or relatives, ⇒ be responsible for examining the application, provided that ↵ unless this is not in the best interest ☞ [...] ☞ of the minor.</p>
<p>3. Where ☞ family ☞ members ☞, siblings 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.</p>	<p>3. Where ☞ family ☞ members ☞, siblings 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.</p>
<p>4. In the absence of a family member ☞ a sibling or a relative as mentioned in paragraphs 1 and 2 ☞ [...] ☞ [...] ☞ the Member State responsible for examining the application shall be that where the ☞ unaccompanied ☞ minor has lodged ☞ his/her ☞ [...] ☞ ☞ [...] ☞ ☞ [...] ☞ application for asylum ⇒ international protection, provided that this is in the best interests of the ☞ [...] ☞ minor. ↵</p>	<p>4. In the absence of a family member ☞ a sibling or a relative as mentioned in paragraphs 1 and 2 ☞ [...] ☞ [...] ☞ the Member State responsible for examining the application shall be that where the ☞ unaccompanied ☞ minor has lodged ☞ his/her ☞ [...] ☞ ☞ [...] ☞ ☞ [...] ☞ application for asylum ⇒ international protection, provided that this is in the best interests of the ☞ [...] ☞ minor. ↵</p>
<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p>

<p>5. <u>The Commission shall be empowered to adopt delegated acts in accordance with Article 40A concerning the identification of family members, siblings or relatives of the unaccompanied minor, the criteria to be taken into account when assessing of the capacity of the relative to take care of the unaccompanied minor and supplementary rules when assessing the capacity to take care of the unaccompanied minor in the cases where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 6(3).</u></p>	<p>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 40A concerning the identification of family siblings or relatives of the unaccompanied minor, the criteria to be taken into account when assessing of the capacity of the relative to take care of the unaccompanied minor and supplementary rules when assessing the capacity to take care of the unaccompanied minor in the cases where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State. In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under Article 6(3).<u>members,</u></p>
<p>6. <u>In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</u></p>	<p>6. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</p>

<p style="text-align: center;"><u>➤ Article 16A</u> <u>Dependants</u> ◂</p>	<p style="text-align: center;"><u>➤ Article 16A</u> <u>Dependants</u> ◂</p>
<p>21. ➤ [...] ◂ ☒ Where ☒ In cases in which ➤ [...] ◂ person concerned ☒ ➤ an ◂ asylum seeker ☒ is dependent on the assistance of ➤ his/her child, sibling or parent ◂ the other ☒ ➤ [...] ◂ ➤ [...] ◂ ➤ ➤ [...] ◂ ➤ [...] ◂ ➤ [...] ◂ ◂ ➤ [...] ◂ ➤ ➤ [...] ◂ ➤ [...] ◂ legally resident in one of the Member States, ◂ ☒ present in another Member State on account of pregnancy or a new-born child, serious illness, severe handicap or old age, ☒ or where ➤ [...] ◂ ➤ the child, sibling or parent of the applicant ◂ ➤ [...] ◂ ☒ ➤ [...] ◂ ☒ is dependent on the assistance of the asylum seeker ☒ ➤ [...] ◂ ➤ Member States shall normally keep or bring together the asylum seeker with that relation ➤ [...] ◂, ◂ provided that family ties existed in the country of origin ➤ the person or the applicant is able to take care of the other ◂ ⇒ and that the persons concerned expressed their desire in writing. ➤ [...] ◂ ◂</p>	<p>21. ➤ [...] ◂ ☒ Where ☒ In cases in which ➤ [...] ◂ person concerned ☒ ➤ an ◂ asylum seeker ☒ is dependent on the assistance of ➤ his/her child, sibling or parent ◂ the other ☒ ➤ [...] ◂ ➤ [...] ◂ ➤ ➤ [...] ◂ ➤ [...] ◂ ➤ [...] ◂ ◂ ➤ [...] ◂ ➤ ➤ [...] ◂ ➤ [...] ◂ legally resident in one of the Member States, ◂ ☒ present in another Member State on account of pregnancy or a new-born child, serious illness, severe handicap or old age, ☒ or where ➤ [...] ◂ ➤ the child, sibling or parent of the applicant ◂ ➤ [...] ◂ ☒ ➤ [...] ◂ ☒ is dependent on the assistance of the asylum seeker ☒ ➤ [...] ◂ ➤ Member States shall normally keep or bring together the asylum seeker with that relation ➤ [...] ◂, ◂ provided that family ties existed in the country of origin ➤ the person or the applicant is able to take care of the other ◂ ⇒ and that the persons concerned expressed their desire in writing. ➤ [...] ◂ ◂</p>
<p>➤ 2. Where the child, sibling or parent ➤ [...] ◂ 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 person concerned ➤ [...] ◂ is legally ➤ [...] ◂ resident</p>	<p>➤ 2. Where the child, sibling or parent ➤ [...] ◂ 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 person concerned ➤ [...] ◂ is legally ➤ [...] ◂ resident</p>

<p> <u>☞ [...] ☞ unless the concerned asylum</u> <u>☞ [...] ☞ seeker's health condition</u> <u>☞ [...] ☞ prevents him/her ☞ [...] ☞ during</u> <u>a significant period of time from travelling to</u> <u>that Member State. ☞</u> </p>	<p> <u>☞ [...] ☞ unless the concerned asylum</u> <u>☞ [...] ☞ seeker's health condition ☞ [...] ☞</u> <u>prevents him/her ☞ [...] ☞ during a</u> <u>significant period of time from travelling to</u> <u>that Member State. ☞</u> </p>
<p> <u>☞ Where the concerned asylum ☞ [...] ☞ seeker's</u> <u>health condition prevents him/her during a</u> <u>significant period of time from travelling to</u> <u>another Member State, the Member State</u> <u>responsible for examining his/her application shall</u> <u>be the one where he/she is present. ☞ ☞ [...] ☞</u> <u>☞ Becoming the Member State responsible due to</u> <u>the applicant's inability to travel does not</u> <u>☞ [...] ☞ entail the obligation of bringing the</u> <u>child, sibling, or parent ☞ [...] ☞ to that Member</u> <u>State. ☞</u> </p>	<p> <u>☞ Where the concerned asylum ☞ [...] ☞</u> <u>seeker's health condition prevents him/her</u> <u>during a significant period of time from</u> <u>travelling to another Member State, the</u> <u>Member State responsible for examining</u> <u>his/her application shall be the one where</u> <u>he/she is present. ☞ ☞ [...] ☞ ☞ Becoming</u> <u>the Member State responsible due to the</u> <u>applicant's inability to travel does not</u> <u>☞ [...] ☞ entail the obligation of bringing the</u> <u>child, sibling, or parent ☞ [...] ☞ to that</u> <u>Member State. ☞</u> </p>
<p> Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker. </p>	<p> Article 15(2) of Regulation (EC) No 343/2003 shall apply whether the asylum seeker is dependent on the assistance of a relative present in another Member State or a relative present in another Member State is dependent on the assistance of the asylum seeker. </p>
<p> <u>3. The Commission shall be empowered to</u> <u>adopt delegated acts in accordance with</u> <u>Article 40A concerning the elements to be</u> <u>taken into account in order to assess the</u> <u>dependency link, the criteria to take into</u> <u>account in assessing the capacity of the</u> <u>person concerned to take care of the</u> <u>dependant and the elements to be taken</u> <u>into account in order to assess the inability</u> </p>	<p> 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 40A concerning the elements to be taken into account in order to assess the dependency link, the criteria to take into account in assessing the capacity of the person concerned to take care of the dependant and the elements to be </p>

<p><u>to travel for a significant period of time.</u></p>	<p>taken into account in order to assess the inability to travel for a significant period of time.</p>
<p>4. <u>In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</u></p>	<p>4. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</p>
<p style="text-align: center;"><i>Article 1721</i></p> <p style="text-align: center;"><input checked="" type="checkbox"/> Submitting a take charge request <input checked="" type="checkbox"/></p>	<p style="text-align: center;"><i>Article 1721</i></p> <p style="text-align: center;"><input checked="" type="checkbox"/> Submitting a take charge request <input checked="" type="checkbox"/></p>
<p>1. Where a Member State with which an application for asylum ⇒ international protection ⇐ has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 420(2), call upon <input checked="" type="checkbox"/> request <input checked="" type="checkbox"/> the other Member State to take charge of the applicant.</p>	<p>1. Where a Member State with which an application for asylum ⇒ international protection ⇐ has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article 420(2), call upon <input checked="" type="checkbox"/> request <input checked="" type="checkbox"/> the other Member State to take charge of the applicant.</p>
<p><input checked="" type="checkbox"/> <u>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</u></p>	<p><input checked="" type="checkbox"/> <u>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</u></p>

<p><u>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.</u> ☹</p>	<p><u>Dublin Regulation, the request shall be sent within two months of receiving that hit pursuant to Article 11(2) of that Regulation.</u> ☹</p>
<p>Where the request to take charge of an applicant is not made within the period of three months ☹ or two months <u>respectively</u> ☹, responsibility for examining the application for <u>asylum</u> ⇒ international protection ⇐ shall lie with the Member State in which the application was lodged.</p>	<p>Where the request to take charge of an applicant is not made within the period of three months ☹ or two months <u>respectively</u> ☹, responsibility for examining the application for <u>asylum</u> ⇒ international protection ⇐ shall lie with the Member State in which the application was lodged.</p>
<p>2. The requesting Member State may ask for an urgent reply in cases where the application for <u>asylum</u> ⇒ 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.</p>	<p>2. The requesting Member State may ask for an urgent reply in cases where the application for <u>asylum</u> ⇒ 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.</p>
<p>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.</p>	<p>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.</p>
<p>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 1822(3) and/or relevant elements from the asylum seeker's statement, enabling the authorities of</p>	<p>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 1822(3) and/or relevant elements from the asylum</p>

<p>the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.</p>	<p>seeker's statement, enabling the authorities of the requested Member State to check whether it is responsible on the basis of the criteria laid down in this Regulation.</p>
<p><u>The Commission shall adopt implementing acts concerning the rules on the preparation of and the procedures for transmitting requests.</u></p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>The Commission shall adopt implementing acts concerning the rules on the preparation of and the procedures for transmitting requests.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>
<p style="text-align: center;"><i>Article 1822</i></p> <p style="text-align: center;"><i>⊗ Replying to a take charge request ⊗</i></p>	<p style="text-align: center;"><i>Article 1822</i></p> <p style="text-align: center;"><i>⊗ Replying to a take charge request ⊗</i></p>
<p>1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.</p>	<p>1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant within two months of the date on which the request was received.</p>
<p>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.</p>	<p>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.</p>
<p><u>3. The Commission shall adopt implementing acts concerning the establishment and periodical reviewing of two lists, indicating the elements of proof</u></p>	<p>The Commission shall adopt implementing acts concerning the establishment and periodical reviewing of two lists, indicating the</p>

<p><u>and circumstantial evidence in accordance with the criteria set out below in points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>elements of proof and circumstantial evidence in accordance with the criteria set out below in points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>
(a) Proof:	(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;	(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 <u>Article 27 40</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.	(ii) The Member States shall provide the Committee provided for in <u>Article 27 40</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs.
(b) Circumstantial evidence:	(b) Circumstantial evidence:
(i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them;	(i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the 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.	(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	4. The requirement of proof should not exceed what is necessary for the proper

of this Regulation.	application of this Regulation.
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>

<p>7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions <input checked="" type="checkbox"/> obligation to provide <input checked="" type="checkbox"/> for proper arrangements for arrival.</p>	<p>7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the provisions <input checked="" type="checkbox"/> obligation to provide <input checked="" type="checkbox"/> for proper arrangements for arrival.</p>
<p><input checked="" type="checkbox"/> SECTION III. PROCEDURES FOR TAKE BACK REQUESTS <input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/> SECTION III. PROCEDURES FOR TAKE BACK REQUESTS <input checked="" type="checkbox"/></p>
<p style="text-align: center;"><i>Article 20 23</i></p> <p><input checked="" type="checkbox"/> Submitting a take back request <input checked="" type="checkbox"/> when a new application has been lodged in the requesting Member State <input checked="" type="checkbox"/></p>	<p style="text-align: center;"><i>Article 20 23</i></p> <p><input checked="" type="checkbox"/> Submitting a take back request <input checked="" type="checkbox"/> when a new application has been lodged in the requesting Member State <input checked="" type="checkbox"/></p>
<p><input checked="" type="checkbox"/> 1. Where a Member State with which a person as referred to in Article 18(1)(b), (c) or (d) lodged a new application for international protection, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.</p>	<p><input checked="" type="checkbox"/> 1. Where a Member State with which a person as referred to in Article 18(1)(b), (c) or (d) lodged a new application for international protection, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.</p>
<p>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</p>	<p>2. The request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 6(5) of Regulation (EC) No [.../...] [concerning the</p>

<p><u>"EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].</u></p>	<p><u>establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].</u></p>
<p><u>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).</u></p>	<p><u>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).</u></p>
<p><u>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.</u></p>	<p><u>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.</u></p>
<p><u>4. The request for the person concerned to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.</u></p>	<p><u>4. The request for the person concerned to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.</u></p>
<p><u>The Commission shall adopt implementing acts concerning 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</u></p>	<p><u>The Commission shall adopt implementing acts concerning the rules of proof and evidence and their interpretation, and on the preparation of and the procedures for transmitting requests. shall be adopted in</u></p>

<p>referred to in Article 40(2). ☹</p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>accordance with the procedure referred to in Article 40(2). ☹</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>
<p style="text-align: center;">☞ <u>Article 23A</u></p> <p style="text-align: center;"><i>Submitting a take back request when no new application for international protection has been lodged in the requesting Member State</i></p>	<p style="text-align: center;">☞ <u>Article 23A</u></p> <p style="text-align: center;"><i>Submitting a take back request when no new application for international protection has been lodged in the requesting Member State</i></p>
<p>1. Where a Member State on whose territory a person as referred to in Article 18(1)(b), (c) or (d), is staying without a residence document and with which no new application for international protection has been lodged, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that Member State to take back that person.</p>	<p>1. Where a Member State on whose territory a person as referred to in Article 18(1)(b), (c) or (d), is staying without a residence document and with which no new application for international protection has been lodged, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that Member State to take back that person.</p>
<p>2. By derogation from Article 6(2) of Directive 2008/115/EC, where a Member State on whose territory a person is staying without a residence document decides to search the EURODAC system in accordance with article 13 of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the 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</p>	<p>2. By derogation from Article 6(2) of Directive 2008/115/EC, where a Member State on whose territory a person is staying without a residence document decides to search the EURODAC system in accordance with article 13 of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation], the request to take back a person as referred to in</p>

<p>18 (1) (d) whose application for international protection not has been rejected by a final decision shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 13(4) of that Regulation.</p>	<p>Article 18 (1) (b) or (c), or a person as referred to in article 18 (1) (d) whose application for international protection not has been rejected by a final decision shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 13(4) of that Regulation.</p>
<p>If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the requesting Member State becomes aware that another Member State may be responsible for the person concerned.</p>	<p>If the request to take back the person concerned is based on evidence other than data obtained from the EURODAC system, it shall be sent to the requested Member State within three months of the date on which the requesting Member State becomes aware that another Member State may be responsible for the person concerned.</p>
<p>3. Where the request to take back the person concerned, is not made within the periods laid down in paragraph 2, the Member State on whose territory the person concerned is staying without a residence document shall give the person the opportunity to lodge a new application ➡ [...] ⬅.</p>	<p>3. Where the request to take back the person concerned, is not made within the periods laid down in paragraph 2, the Member State on whose territory the person concerned is staying without a residence document shall give the person the opportunity to lodge a new application ➡ [...] ⬅.</p>
<p>4. Where a person as referred to in Article 18(1)(d) whose application for international protection has been rejected by a final decision in one Member State is on the territory of another Member State without a residence document, the second Member State may either request the first Member State to take back the person concerned or</p>	<p>4. Where a person as referred to in Article 18(1)(d) whose application for international protection has been rejected by a final decision in one Member State is on the territory of another Member State without a residence document, the second Member State may either request the</p>

<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p><u>The Commission shall adopt implementing acts concerning 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></p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p><u>The Commission shall adopt implementing acts concerning 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></p> <p><u>Those implementing acts shall be adopted in accordance with the examination</u></p>

	procedure referred to in Article 40(2).
<p style="text-align: center;">Article 1928 Ö Modalities and time-limits Ö</p>	
<p>13. The transfer of the applicant ☒ or of another person as referred to in Article 18(1) ☞ (c) or ☞ (d) ☒ from the ☒ requesting ☒ Member State in which the application was lodged to the ☒ responsible ☒ Member State responsible shall be carried out in accordance with the national law of the ☒ requesting ☒ first Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken ☒ by another Member State to take charge or to take back the person concerned ☒ or of the ☞ final ☞ decision on an appeal or review where there is ☞ there is ☞ a suspensive effect ☞ [...] ☞ ☞ in accordance with Article 26(3) ☞ ☞ [...] ☞ .</p>	<p>13. The transfer of the applicant ☒ or of another person as referred to in Article 18(1) ☞ (c) or ☞ (d) ☒ from the ☒ requesting ☒ Member State in which the application was lodged to the ☒ responsible ☒ Member State responsible shall be carried out in accordance with the national law of the ☒ requesting ☒ first Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request that charge be taken ☒ by another Member State to take charge or to take back the person concerned ☒ or of the ☞ final ☞ decision on an appeal or review where there is ☞ there is ☞ a suspensive effect ☞ [...] ☞ ☞ in accordance with Article 26(3) ☞ ☞ [...] ☞ .</p>
<p>☞ <u>If transfers to the Member State responsible are carried out by supervised departure or under escort, Member States shall ensure that they are carried out in a humane manner and with full respect for fundamental rights and human dignity.</u> ☞</p>	<p>☞ <u>If transfers to the Member State responsible are carried out by supervised departure or under escort, Member States shall ensure that they are carried out in a humane manner and with full respect for fundamental rights and human dignity.</u> ☞</p>
<p>If necessary, the asylum seeker shall be</p>	<p>If necessary, the asylum seeker shall be</p>

<p>supplied by the requesting Member State with a <i>laissez passer</i>. <u>The Commission shall adopt implementing acts concerning</u> the design of this <i>laissez passer</i>.</p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>supplied by the requesting Member State with a <i>laissez passer</i>. The Commission shall adopt implementing acts concerning the design of this <i>laissez passer</i>.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>
<p>The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> or of the fact that he/<u>she</u> did not appear within the set time limit.</p>	<p>The Member State responsible shall inform the requesting Member State, as appropriate, of the safe arrival of the asylum seeker <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> or of the fact that he/<u>she</u> did not appear within the set time limit.</p>
<p>24. Where the transfer does not take place within the six months' time limit, \Rightarrow 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 \Leftarrow 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 <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> or up to a maximum of eighteen months if the asylum seeker <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> absconds.</p>	<p>24. Where the transfer does not take place within the six months' time limit, \Rightarrow 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 \Leftarrow 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 <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> or up to a maximum of eighteen months if the asylum seeker <input checked="" type="checkbox"/> person concerned <input type="checkbox"/> absconds.</p>

<p>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.</p>	<p>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.</p>
<p><u>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 40A concerning supplementary rules on the non-essential aspects of modalities and time-limits for transfers.</u></p>	<p><u>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 40A concerning supplementary rules on the non-essential aspects of modalities and time-limits for transfers.</u></p>
<p><u>5. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</u></p>	<p><u>45. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt implementing acts establishing the procedures for the consultation and the exchange of information between Member States, in particular in cases of postponed or delayed transfers, transfers following acceptance by default, or in cases of transferring minors or dependents, as well as in cases of supervised transfers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40 (2).</u></p>
<p style="text-align: center;"><i>Article 29</i> <i>Costs of transfers</i></p>	<p style="text-align: center;"><i>Article 29</i> <i>Costs of transfers</i></p>
<p>1. The costs necessary to transfer an applicant or another person as referred to in Article</p>	<p>1. The costs necessary to transfer an applicant or another person as referred to</p>

<p>18(1) (c) or (d) to the responsible Member State shall be met by the transferring Member State.</p>	<p>in Article 18(1) (c) or (d) to the responsible Member State shall be met by the transferring Member State.</p>
<p>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.</p>	<p>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.</p>
<p>3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.</p>	<p>3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.</p>
<p>4. [...] The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in Article 40(2).</p>	<p>4. [...] The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in Article 40(2).</p>
<p style="text-align: center;"><i>Article 30</i></p> <p style="text-align: center;"><i>Exchange of relevant information before transfers being carried out</i></p>	<p style="text-align: center;"><i>Article 30</i></p> <p style="text-align: center;"><i>Exchange of relevant information before transfers being carried out</i></p>
<p>[...]</p>	<p>[...]</p>
<p>[...] 1. The Member State carrying out the transfer shall [...] communicate to the responsible Member State such personal data concerning the [...] person to be transferred as is appropriate, relevant and non-excessive for</p>	<p>[...] 1. The Member State carrying out the transfer shall [...] communicate to the responsible Member State such personal data concerning the [...] person to be transferred as is appropriate, relevant and non-</p>

the sole purposes of ensuring that the competent [...] authorities in accordance with national law in the responsible Member State are in a position to provide the [...] person concerned with adequate assistance, including the provision of [...] immediate health care required in order to protect the vital interest of the person concerned, and to ensure continuity in the protection and rights afforded by this Regulation and by other relevant asylum legal instruments. [...] This information shall be communicated to the responsible Member State within a reasonable period of time before a transfer is carried out, in order to ensure that the competent authorities in accordance with national law in the responsible Member State have sufficient time to take the measures required.

excessive for the sole purposes of ensuring that the competent [...] authorities in accordance with national law in the responsible Member State are in a position to provide the [...] person concerned with adequate assistance, including the provision of [...] immediate health care required in order to protect the vital interest of the person concerned, and to ensure continuity in the protection and rights afforded by this Regulation and by other relevant asylum legal instruments. [...] This information shall be communicated to the responsible Member State within a reasonable period of time before a transfer is carried out, in order to ensure that the competent authorities in accordance with national law in the responsible Member State have sufficient time to take the measures required.

2. The transferring Member [...] State shall, insofar as such information is available to the competent authority in accordance with national law, transmit to the responsible Member State any information that it [...] is essential in order to safeguard the rights and immediate special needs of the person concerned, and in particular

2. The transferring Member [...] State shall, insofar as such information is available to the competent authority in accordance with national law, transmit to the responsible Member State any information that it [...] is essential in order to safeguard the rights and immediate special needs of the person

<p>☞ [...] ☞:</p>	<p>concerned, and ☞ in particular ☞ [...] ☞:</p>
<p>☞ (a) any immediate measures the responsible Member State ☞ [...] ☞ is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including ☞ [...] ☞ any immediate health care that may be required; ☞</p>	<p>☞ (a) any immediate measures the responsible Member State ☞ [...] ☞ is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including ☞ [...] ☞ any immediate health care that may be required; ☞</p>
<p>☞ [...] ☞ ☞ (b) ☞ contact details of family members ☞ within the meaning of Article 2(g) ☞ or of other relatives ☞ or relations ☞ ☞ [...] ☞ in the receiving Member State, where applicable;</p>	<p>☞ [...] ☞ ☞ (b) ☞ contact details of family members ☞ within the meaning of Article 2(g) ☞ or of other relatives ☞ or relations ☞ ☞ [...] ☞ in the receiving Member State, where applicable;</p>
<p>☞ [...] ☞ ☞ (c) ☞ in the case of minors, information in relation to their ☞ [...] ☞ education;</p>	<p>☞ [...] ☞ ☞ (c) ☞ in the case of minors, information in relation to their ☞ [...] ☞ education;</p>
<p>☞ [...] ☞ ☞ (d) ☞ information about the ☞ assessment of the ☞ age of an applicant.</p>	<p>☞ [...] ☞ ☞ (d) ☞ information about the ☞ assessment of the ☞ age of an applicant.</p>
<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p>

<p> 3. 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. </p> <p> The information exchanged shall only be used for the purposes set out in paragraph 3. 1. of this Article and shall not be further processed. </p> <p> 3. </p>	<p> 3. 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. </p> <p> The information exchanged shall only be used for the purposes set out in paragraph 3. 1. of this Article and shall not be further processed. </p> <p> 3. </p>
<p>3.</p>	<p>3.</p>
<p> <u>With a view to facilitating the exchange of information between Member States the Commission shall adopt implementing acts concerning a standard form for transferring the data required pursuant to this Article.</u> </p> <p> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u> </p>	<p> <u>With a view to facilitating the exchange of information between Member States the Commission shall adopt implementing acts concerning a standard form for transferring the data required pursuant to this Article.</u> </p> <p> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u> </p>
<p>5. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article.</p>	<p>5. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article.</p>
<p> Article 30 A 3. </p> <p> Exchange of health data before transfer is being carried out </p>	<p> Article 30 A 3. </p> <p> Exchange of health data before transfer is being carried out </p>
<p> 1. For the sole exclusive purpose of the provision of medical care or treatment, in particular concerning disabled </p>	<p> 1. For the sole exclusive purpose of the provision of medical care or treatment, in </p>

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. **The Commission shall adopt implementing acts concerning the drawing up of this common health certificate. shall be drawn up in accordance with the procedure referred to in Article 40(2). ☞**

Those implementing acts shall be adopted in accordance with the examination 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.

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. **The Commission shall adopt implementing acts concerning the drawing up of this common health certificate. shall be drawn up in accordance with the procedure referred to in Article 40(2). ☞**

Those implementing acts shall be adopted in accordance with the examination 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.

<p> 2. Any information mentioned in paragraph 1 shall only be transmitted by the transferring Member State to the responsible Member State after the explicit consent of the applicant and/or of the person representing him/her has been obtained or when this is necessary to protect the vital interests of the individual or of another person where he/she is physically or legally incapable of giving his/her consent. The lack of consent, including a refusal of consent, to transmitting any information referred to in paragraph 1 shall not be an obstacle to carrying out his/her transfer . </p>	<p> 2. Any information mentioned in paragraph 1 shall only be transmitted by the transferring Member State to the responsible Member State after the explicit consent of the applicant and/or of the person representing him/her has been obtained or when this is necessary to protect the vital interests of the individual or of another person where he/she is physically or legally incapable of giving his/her consent. The lack of consent, including a refusal of consent, to transmitting any information referred to in paragraph 1 shall not be an obstacle to carrying out his/her transfer . </p>
<p>.</p>	<p>.</p>
<p> 3. Any The processing of personal health data referred to in paragraphs 1 and 2 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, and fully respecting the data subject's right to the protection of his/her personal data. . </p>	<p> 3. Any The processing of personal health data referred to in paragraphs 1 and 2 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, and fully respecting the data subject's right to the protection of his/her personal data. . </p>

<p> 3 [...] 4 The exchange of information under this Article shall only take place between the 3 [...] 4 health professionals or other persons referred to in paragraph 3. 3 [...] 4 The information exchanged shall only be used for the purposes set out in paragraph 3 [...] 4 1 of this Article 3 and shall not be further processed. 3 </p>	<p> 3 [...] 4 The exchange of information under this Article shall only take place between the 3 [...] 4 health professionals or other persons referred to in paragraph 3. 3 [...] 4 The information exchanged shall only be used for the purposes set out in paragraph 3 [...] 4 1 of this Article 3 and shall not be further processed. 3 </p>
<p>3 [...] 4</p>	<p>3 [...] 4</p>
<p> 3 [...] 4 5 [...] 4 The procedures and practical arrangements for exchanging 3 [...] 4 the information referred to in paragraph 1, 3 shall be adopted in accordance with the procedure laid down in Article 40(2). 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. </p>	<p> 3 [...] 4 5 [...] 4 The procedures and practical arrangements for exchanging 3 [...] 4 the information referred to in paragraph 1, 3 shall be adopted in accordance with the procedure laid down in Article 40(2). 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. </p>
<p>3 [...] 4</p>	<p>3 [...] 4</p>
<p> 3 [...] 4 3 [...] 4 6 The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article. </p>	<p> 3 [...] 4 3 [...] 4 6 The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article. </p>

<p style="text-align: center;"><i>Article 2233</i></p> <p style="text-align: center;">⊗ <i>Competent authorities and resources</i> ⊗</p>	<p style="text-align: center;"><i>Article 2233</i></p> <p style="text-align: center;">⊗ <i>Competent authorities and resources</i> ⊗</p>
<p>1. ⊗ Each ⊗ Member States shall notify the Commission ⇒ without delay ⇐ of the ⇒ specific ⇐ authorities responsible for fulfilling the obligations arising under this Regulation ⇒ , and any amendments thereto. ⇐ ⊗ They ⊗ and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.</p>	<p>1. ⊗ Each ⊗ Member States shall notify the Commission ⇒ without delay ⇐ of the ⇒ specific ⇐ authorities responsible for fulfilling the obligations arising under this Regulation ⇒ , and any amendments thereto. ⇐ ⊗ They ⊗ and shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.</p>
<p>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.</p>	<p>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.</p>
<p>3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.</p>	<p>3. The authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.</p>
<p>4. Rules relating to the establishment of The Commission shall adopt implementing acts concerning the secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting</p>	<p>4. Rules relating to the establishment of The Commission shall adopt implementing acts concerning the secure electronic transmission channels between the authorities mentioned in</p>

<p>requests, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. shall be established in accordance with the procedure referred to in Article 40(2).</p> <p><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</u></p>	<p>paragraph 1 for transmitting requests, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. shall be established in accordance with the procedure referred to in Article 40(2).</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(2).</p>
<p style="text-align: center;"><i>Article 2740</i> <input checked="" type="checkbox"/> Committee <input checked="" type="checkbox"/></p>	<p style="text-align: center;"><i>Article 2740</i> <input checked="" type="checkbox"/> Committee <input checked="" type="checkbox"/></p>
<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>
<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 [...] shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 [...] shall apply.</p>
<p>[...]</p>	<p>[...]</p>
<p>3. <u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u></p>	<p>3. <u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u></p>

	<i>Article 40A</i> <i>Exercise of the delegation</i>
<u>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</u>	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
<u>2. The power to adopt delegated acts referred to in Articles 8, 16A and 28 shall be conferred on the Commission for a period of 5 years from [the date of entry into force of the basic legislative act or any other date set by the legislator]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	2. The power to adopt delegated acts referred to in Articles 8, 16A and 28 shall be conferred on the Commission for a period of 5 years from [the date of entry into force of the basic legislative act or any other date set by the legislator]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
<u>3. The delegation of power referred to in Articles 8, 16A and 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in</u>	3. The delegation of power referred to in Articles 8, 16A and 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect

<p><u>force.</u></p>	<p>the validity of any delegated acts already in force.</p>
<p><u>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u></p>	<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>
<p><u>5. A delegated act adopted pursuant to Articles 8, 16A and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of four months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</u></p>	<p>5. A delegated act adopted pursuant to Articles 8, 16A and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of four months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>