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THE EUROPEAN UNION**

Brussels, 27 September 2012

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**Interinstitutional File:
2009/0125 (COD)**

LIMITE

**ASILE 117
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NOTE

from:: Presidency

to:: JHA Counsellors

on: 1 October 2012

No. Cion prop.: 11207/11 ASILE 45 CODEC 980

Subject: Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) [First reading]

During the 2nd informal trilogue on APD that took place on the 25th of September discussions focused on the following thematic areas: interview, provision of free legal assistance and information, access to procedure, training, medical examination provisions in case of proportionally large numbers of asylum applications and vulnerable persons and persons with special needs.

Against the background of these discussions, the Presidency submits to the Justice and Home Affairs Counsellors on 1 October 2012 a series of compromise suggestions, several of which can be endorsed by all parties in the trilogue. Also the European Parliament has submitted new compromise proposals in relation to its amendments on notification by Member States of certain information to the Commission. The compromise suggestions can be found in the fourth column of the comparative table which appears in annex.

Main outstanding issues

The issues on which the positions of the two co legislators are the furthest apart concern the following: interview / transcript, training, free legal assistance and information, and exceptions for vulnerable persons and minors.

On the interview, the EP insisted to have either a transcript or an audio/audiovisual recording. At the trilogue the EP suggested that we could either have a transcript or a report and audiovisual recording. The Presidency has explained that this would not be acceptable because it increases the financial costs and the administrative burden without value added to the quality of decision and front loading.

On the training, while both the EP and the Presidency agreed on the principle, they disagreed on the means of reaching the goal of having properly trained personnel. However, the EP endorses the COM proposal which makes an obligatory reference to the elements of training included in the EASO Regulation (Article 6(4)(a)-(e)) proposing moreover a lists of elements that the EP wants to be included in the training. In response, the Presidency has stressed that each authority should receive the level of training according to the tasks for which it is responsible.

On the free legal assistance and information, the Presidency explained that what the EP is describing as information in first instance procedures amounts in reality to free legal assistance. This cannot be accepted by the Council because of the financial burdens it entails.

On the exceptions on vulnerable persons and minors, the Presidency has said it cannot accept any exceptions because that might lead to abuse.

While the issue of free legal assistance / information and the exceptions for minors and vulnerable persons are considered to be very contentious, the Presidency believes that a possible compromise is feasible as regards interview and training. In this spirit, the Presidency makes a compromise suggestion for the Articles 4 and 17. In Article 4, the Presidency suggests to include the wording of the initial Commission proposal given that similar wording has already been agreed by the Council in Art. 14(1) (Article 14(1) is redrafted to take into account the reference to torture that in the Council text was transferred from Article 18(5) to Article 4(3)). In return, the EP should accept the Council text on Article 17 making reference to a report (and not a transcript) and leaving the audio/audiovisual alternative optional. Further modifications to Article 17 aim at improving coherency of the provision while retaining the main elements of the Council position. Finally, the Presidency suggests to insert a new recital (40a) to clarify that the data protection rules apply in relation to (audio) visual registrations of the interview.

Less difficult outstanding issues

Regarding access to the procedure, the EP has asked in Article 6(4) of the Commission proposal for a notification to be made to the COM before MS apply the derogation measures. The EP makes similar amendments in relation to the Articles 14(1) and 31(3). The Presidency has explained that when MS face a situation of submission of a large number of applications should focus their resources on dealing with the situation and not on extra administrative procedures which do not have added value. In response, the EP has explained that the aim was not to establish new administrative procedures but to prevent arbitrary use of derogatory provisions. Against that background, the EP has submitted new compromise suggestions on the Articles 6(4), 14(1) and 31(3).

On the issue of information and counseling at borders and in detention facilities (Article 8), the EP, supported by the COM, wants to have information on display claiming that the issue of the availability of information is a basic element for the respect of the non refoulement principle, especially after the Hirschi ECHR ruling. The Presidency has said that the Council is ready to provide information under the condition that there are indications that the third country national or stateless person wishes to make a request for international protection.

On the admissibility interview (article 34), the EP wants all admissibility interviews to be carried out by the determining authority. The Presidency has said that this would entail considerable delays. The compromise suggestion stipulates that the admissibility interview can be conducted by an authority which is not the determining authority provided that the personnel of that authority has received in advance the necessary training.

Other issues

Article 8(2): alignment with Article 10(4) RCD.

Article 14: the term “long term” was replaced by “enduring” to make the text more clear. Also reference to the amended 4(3).

Article 15(3): the word “relevant” was deleted because it was a white text. It is noted that the EP expressed concerns about the phrase “based on discriminatory matters”.

Article 18: the EP accepted the Council’s text but asked for the addition of the word “impartial” for medical experts. Since EP wants to add such terminology to several articles related to professionals, the Presidency suggests adding a new recital (15a) regarding the obligation of professionals to abide by the rules and codes of their profession. In 18(3), the phrase "whenever relevant is deleted.

Article 21: addition in line with Article 9(5) RCD. The amendment on paragraph 2(c) aims at clarifying the text.

Article 22: addition of the phrase “in accordance with national law”

Article 23: the phrase “member states may stipulate that the legal adviser or other counsellor may only intervene at the end of the interview” has been moved because its previous place was a white text. Also there is an “and” between (a) and (b) to clarify the relation between the two littera.

Article 24: alignment with the Article 22 of RCD

Brussels 26 September 2012

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

Interinstitutional code: 2009/0165 (COD)

The columns of the table reflect respectively:

1. the amended Commission proposal of 1 June 2011 (COM(2011) 319 final)).
2. the European Parliament's merged position which is based upon its first reading position on the initial Commission proposal and the amendments contained in the approach of the rapporteur and the shadow rapporteurs on the amended Commission proposal. The differences between the Parliament's position and the amended Commission proposal are indicated in ***bold italics*** and deleted text with **■** ; underlined indicates text that was and still is part of the EP Position but is not reflected anymore in the amended Commission proposal.
3. the Council position on the amended Commission proposal as endorsed by the Committee of Permanent Representatives on 6 June 2012. New text compared to the amended Commission proposal is indicated by underlining the insertion and including it within Council tags: **☞_☛**; deleted text is indicated within underlined square brackets as follows: **☞ [...] ☛**.
4. Compromise suggestions and comments in light of the second trilogue on 25 September 2012. Changes to the Council text are indicated in **bold**. In compromise suggestions of the European Parliament changes to the Commission proposal are indicated in **bold/italics**.

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

the European Economic and Social Committee ¹ ,	the European Economic and Social Committee,	the European Economic and Social Committee ² ,	
Having regard to the opinion of the Committee of the Regions ³ ,	Having regard to the opinion of the Committee of the Regions,	Having regard to the opinion of the Committee of the Regions ⁴ ,	
Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Whereas:	Whereas:	Whereas:	
(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁵ . In the interest of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status. In the interest of clarity, that Directive should be recast.	(1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁶ . In the interest of clarity, that Directive should be recast.	

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ L 326, 13.12.2005, p. 13.

⁶ OJ L 326, 13.12.2005, p. 13.

<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.</p>	<p>(2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union Community. ⇒ It should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. ⇐</p>	
<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application</p>	<p>(3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application</p>	

<p>of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of <i>non-refoulement</i> and ensuring that nobody is sent back to persecution.</p>	<p>of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of <i>non-refoulement</i> and ensuring that nobody is sent back to persecution.</p>	<p>of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of <i>non-refoulement</i> and ensuring that nobody is sent back to persecution.</p>	
<p>(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Community <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community rules leading to a common asylum procedure in the European <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community.</p>	<p>(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Union rules leading to a common asylum procedure in the European Union.</p>	<p>(4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Community <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community rules leading to a common asylum procedure in the European <input checked="" type="checkbox"/> Union <input checked="" type="checkbox"/> Community.</p>	

<p>(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was ⇐ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	<p>(5) The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was a first measure on asylum procedures.</p>	<p>(5) ⇒ The first phase of a Common European Asylum System was achieved through the adoption of relevant legal instruments foreseen in the Treaties, including Directive 2005/85/EC which was ⇐ The minimum standards laid down in this Directive on procedures in Member States for granting or withdrawing refugee status are therefore a first measure on asylum procedures.</p>	
<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	<p>(6) The European Council, at its meeting of 4 November 2004, adopted the Hague Programme, which set the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect, the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal</p>	

<p>instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.</p>	<p>instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.</p>	<p>instruments and to submit the second phase instruments and measures to the Council and the European Parliament. In accordance with the Hague Programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.</p>	
<p>(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure</p>	<p>(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure</p>	<p>(7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure</p>	

<p>comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.</p>	<p>comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.</p>	<p>comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.</p>	
<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In</p>	<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In</p>	<p>(8) The European Council, at its meeting of 10-11 December 2009, adopted the Stockholm Programme which reconfirmed the commitment to establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection based on high protection standards and fair and effective procedures by 2012. The Stockholm Programme affirmed that people in need of international protection must be ensured access to legally safe and efficient asylum procedures. In</p>	

<p>accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.</p>	<p>accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.</p>	<p>accordance with the Stockholm Programme, individuals, regardless of the Member State in which their application for asylum is lodged, should be offered the same level of treatment as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome.</p>	
<p>(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council¹, should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the</p>	<p>(9) <i>It is necessary for</i> the resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council, <i>to</i> be mobilised, <i>inter alia</i>, to provide adequate support to the Member States' efforts relating to the</p>	<p>(9) The resources of the European Refugee Fund and of the European Asylum Support Office, established by Regulation (EU) No 439/2010 of the European Parliament and of the Council², should be mobilised to provide adequate support to the Member States' efforts relating to the implementation of the</p>	

¹ OJ L 132, 29.5.2010, p.11.

² OJ L 132, 29.5.2010, p.11.

<p>standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.</p>	<p>implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation. <i>It is also necessary that in Member States that receive a disproportionately large number of asylum applications in relation to the size of their population, financial support and administrative/technical support be mobilised immediately under the European Refugee Fund and the European Asylum Support Office respectively in order to enable them to comply with this Directive.</i> [Am. 1]</p>	<p>standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.</p>	
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		<p>➡(9a) <u>When implementing this Directive Member States should take into account relevant guidelines developed by the European Asylum Support Office.</u> Ⓞ</p>	
<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	<p>(10) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU] [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)], the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.</p>	

<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	<p>(11) The main objective of this Directive is to further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union.</p>	<p>(11) The main objective of this Directive is to ⇒ further develop the standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union ⇐ introduce a minimum framework in the Community on procedures for granting and withdrawing refugee status.</p>	
<p>(12) The approximation of rules on the procedures for granting and withdrawing international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement would be caused by differences in legal</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing international protection should help to limit the secondary movements of applicants for international protection between Member States, where such movement would be caused by differences in legal frameworks, and create equivalent conditions for</p>	<p>(12) The approximation of rules on the procedures for granting and withdrawing international protection ⇐ refugee status should help to limit the secondary movements of applicants for ⇒ international protection ⇐ asylum between Member States, where such movement would be caused by differences in legal</p>	

<p>frameworks ⇒ , and create equivalent conditions for the application of Directive [...] /EU] [the Qualification Directive] in Member States ⇐.</p>	<p>the application of Directive [...] /EU] [the Qualification Directive] in Member States.</p>	<p>frameworks ⇒ , and create equivalent conditions for the application of Directive [...] /EU] [the Qualification Directive] in Member States ⇐.</p>	
<p>(13) It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [...] /EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva Convention.</p>	<p>(13) Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is in need of international protection within the meaning of Directive [...] /EU] [the Qualification Directive].</p>	<p>(13) It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is ⇒ in need of international protection ⇐ a refugee within the meaning of ⇒ Directive [...] /EU] [the Qualification Directive] ⇐ Article 1(A) of the Geneva Convention.</p>	

	<u>See new Recital 47</u>		
(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.	(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party.	(14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party and which prohibit discrimination.	
	<i>(14a) Member States are obliged to respect fully the principle of non-refoulement and the right to asylum, which includes access to an asylum procedure for any person who wishes to claim asylum and who is in their jurisdiction, including those under the effective control of a Union body or a body of a Member State.</i>		

<p>(15) It is essential that decisions on all applications for ⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has received</u> the necessary training in the field of asylum and ⇒ international protection ⇐ refugee matters.</p>	<p>(15) It is essential that decisions on all applications for international protection be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge and receives the necessary training in the field of asylum and international protection matters.</p>	<p>(15) It is essential that decisions on all applications for ⇒ international protection ⇐ asylum be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge or <u>has received</u> the necessary training in the field of asylum and ⇒ international protection ⇐ refugee matters.</p>	
			<p><u>Presidency suggestion</u> (15a) In order to ensure that applications are examined and decisions are taken objectively and impartially, it is necessary that professionals acting in the framework of the procedures provided for in this Directive perform their activities with due respect to the applicable deontological principles.</p>

<p>(16) It is in the interest of both Member States and applicants for international protection ⇨ asylum ⊗ that a decision is made ⊗ to make a decision as soon as possible on applications for ⇨ international protection ⇨ asylum, ⇨ without prejudice to an adequate and complete examination ⇨. The organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.</p>	<p>(16) It is in the interest of both Member States and applicants for international protection that a decision is made as soon as possible on applications for international protection, without prejudice to an adequate and complete examination.</p>	<p>(16) It is in the interest of both Member States and applicants for international protection ⇨ asylum ⊗ that a decision is made ⊗ to make a decision as soon as possible on applications for ⇨ international protection ⇨ asylum, ⇨ without prejudice to an adequate and complete examination ⇨. The organisation of the processing of applications for asylum should be left to the discretion of Member States, so that they may, in accordance with their national needs, prioritise or accelerate the processing of any application, taking into account the standards in this Directive.</p>	
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<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers. Member States should therefore have the possibility to find the most appropriate modalities for the provision of such</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers. Member States should therefore have the possibility to find the most appropriate modalities for the provision of such</p>	<p>(17) It is also in the interest of both Member States and applicants to ensure a correct recognition of international protection needs already at first instance. To that end, applicants should be provided at first instance, free of charge, with legal and procedural information, taking into account their particular circumstances. The provision of such information should <i>inter alia</i> enable the applicants to better understand the procedure, thus helping them to comply with the relevant obligations. It would be disproportionate to require Member States to provide such information only through the services of qualified lawyers. Member States should therefore have the possibility to find the most appropriate modalities for the provision of such</p>	
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<p>information, such as through non-governmental organisations, government officials or specialised services of the State.</p>	<p>information, such as through non-governmental organisations, <i>specialised, suitably qualified and impartial legal advisers, counsellors, other qualified professionals.</i></p>	<p>information, such as through non-governmental organisations, government officials or specialised services of the State.</p>	
<p>(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.</p>	<p>(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.</p>	<p>(18) In appeals procedures, subject to certain conditions, applicants should be granted free legal assistance and representation provided by persons competent to do so under national law. Furthermore, at all stages of the procedure, applicants should have the right to consult, at their own cost, legal advisers or counsellors permitted as such under national law.</p>	
<p>(19) The notion of public order may ⇒ <i>inter alia</i> ⇐ cover a conviction for committing a serious crime.</p>	<p>(19) The notion of public order may <i>inter alia</i> cover a conviction for committing a serious crime.</p>	<p>(19) The notion of public order may ⇒ <i>inter alia</i> ⇐ cover a conviction for committing a serious crime.</p>	

<p>(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention ⇒ or as persons eligible for subsidiary protection ⇐, every applicant should, subject to certain exceptions, have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for ⇒ international protection ⇐ asylum is examined should normally provide an applicant at least with the right to stay pending</p>	<p>(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention or as persons eligible for subsidiary protection, every applicant should have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and <i>effective</i> procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection is examined should normally provide an applicant at least with the right to stay pending a <i>final</i> decision by the determining authority <i>and, in the case of a</i></p>	<p>(20) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention ⇒ or as persons eligible for subsidiary protection ⇐, every applicant should, subject to certain exceptions, have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and sufficient procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for ⇒ international protection ⇐ asylum is examined should normally provide an applicant at least with the right to stay pending</p>	
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<p>a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇒ and with organisations providing advice or counselling to applicants for international protection ⇐ or with any organisation working on its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇒ understands or ⇐</p>	<p><i>negative decision, the time necessary for seeking a judicial remedy, and for so long as a competent court or tribunal so authorises,</i> access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) and with organisations providing advice or counselling to applicants for international protection, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure,</p>	<p>a decision by the determining authority, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) ⇒ and with organisations providing advice or counselling to applicants for international protection ⇐ or with any organisation working on its behalf, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal adviser or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she ⇒ understands or ⇐</p>	
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<p>⊗ is ⊗ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇩.</p>	<p>in a language he/she understands or is reasonably supposed to understand and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal.</p>	<p>⊗ is ⊗ can reasonably be supposed to understand ⇨ and, in the case of a negative decision, the right to an effective remedy before a court of a tribunal ⇩.</p>	
<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>		<p>In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their vulnerability. In this context, the best interests of the child should be a primary consideration of Member States.</p>	
<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and</p>	<p>(21) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive <u>relevant</u></p>	

<p>necessary training on how to recognise and deal with requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.</p>	<p>necessary training on how to recognise, register and forward to the competent determining authority requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.</p>	<p>information <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> and necessary training on how to recognise and deal with requests for international protection <input type="checkbox"/> <u>inter alia taking due account of relevant guidelines developed by the European Asylum Support Office</u> <input type="checkbox"/> . They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with <input type="checkbox"/> [...] <input type="checkbox"/> relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked on land and have their applications examined in accordance with this Directive.</p>	
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	<p>(21a) <i>Given that third country nationals or stateless persons who have expressed their wish to apply for international protection are applicants for international protection, they should comply with the obligations and benefit from the rights in accordance with this Directive and the Reception Conditions Directive. To that end, Member States should register that those persons are applicants for international protection as soon as possible.</i></p>		
<p>(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication</p>	<p>(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information on the possibility to request international protection should be made available and easily accessible. Basic communication</p>	<p>(22) In order to facilitate access to the examination procedure at border crossing points and in detention facilities, information should be made available on the possibility to request international protection. Basic communication</p>	

<p>necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.</p>	<p>necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.</p>	<p>necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection should be ensured through interpretation arrangements.</p>	
<p>(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, persons who have been subjected to torture, rape or other serious acts of violence or disabled persons, should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection.</p>	<p>(23) In addition, applicants in need of special procedural guarantees, such as minors, unaccompanied minors, pregnant women, persons who have been subjected to torture, rape or other serious acts of violence, such as violence based on gender and harmful traditional practices, or disabled persons, should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for</p>	<p>(23) ↻ Certain applicants may be in need of special procedural guarantees due to ↻ <i>inter alia</i> ↻ their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or consequences of ↻ ↻ [...] ↻ torture, rape or other serious ↻ forms ↻ ↻ [...] ↻ of ↻ psychological, physical or sexual ↻ violence ↻ . Those applicants ↻ ↻ [...] ↻ should be provided with adequate support in order to create the conditions necessary for their effective access to procedures and</p>	

	international protection.	presenting the elements needed to substantiate the application for international protection.	
(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive should <i>inter alia</i> be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	(24) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive may [...] inter alia be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).	
(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal	(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal	(25) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal	

<p>interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.</p>	<p>interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution <i>to an interviewer of the same sex if so requested, who has specific training on the issue of interviews regarding gender-based persecution.</i> The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.</p>	<p>interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution. The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications.</p>	
<p>(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and</p>	<p>(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and</p>	<p>(26) The best interests of the child should be a primary consideration of Member States when implementing this Directive, in line with the Charter of Fundamental Rights of the European Union and</p>	

<p>the 1989 United Nations Convention on the Rights of the Child.</p>	<p>the 1989 United Nations Convention on the Rights of the Child.</p>	<p>the 1989 United Nations Convention on the Rights of the Child.</p>	
<p>(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.</p>	<p>(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the <i>determining</i> authorities to conduct a rigorous examination of applications for international protection.</p>	<p>(27) Procedures for examining international protection needs should be organised in a way that makes it possible for the competent authorities to conduct a rigorous examination of applications for international protection.</p>	
<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle.</p>	<p>(28) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should ⇒ be able to dismiss an application as inadmissible in accordance with the <i>res judicata</i> principle ⇐ have a choice of procedure involving exceptions to the</p>	

<p>guarantees normally enjoyed by the applicant.</p>		<p>guarantees normally enjoyed by the applicant.</p>	
	<p>(28a) <i>With respect to the involvement of the personnel of another authority than that of the determining authority in conducting interviews on the substance of an application, the notion of "timely" as referred in article 14(1)2 shall be assessed against the time limits foreseen in Article 31. The determining authority shall demonstrate that it has insufficient capacity to ensure that an interview on the substance can be conducted within a time frame that enables the authorities to conclude the procedure within the time-limit as laid down in Article 31(3).</i></p>		
<p>(29) Many asylum applications ⇒ for international</p>	<p>(29) Many applications for international protection are made at the border or</p>	<p>(29) Many asylum applications ⇒ for international</p>	

<p>protection ⇐ are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇒ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances ⇐ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>	<p>in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances.</p>	<p>protection ⇐ are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to ⇒ provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations in well-defined circumstances ⇐ keep existing procedures adapted to the specific situation of these applicants at the border. Common rules should be defined on possible exceptions made in these circumstances to the guarantees normally enjoyed by applicants. Border procedures should mainly apply to those applicants who do not meet the conditions for entry into the territory of the Member States.</p>	
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<p>(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.</p>	<p>(30) A key consideration for the well-foundedness of an application for international protection is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents counter-indications.</p>	<p>(30) A key consideration for the well-foundedness of an asylum application ⇒ for international protection ⇐ is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents serious counter-indications.</p>	
<p>(31) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.</p>	<p>(31) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.</p>	<p>(31) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.</p>	
<p>Where the Council has satisfied itself that those criteria are met in relation to a particular</p>		<p>Where the Council has satisfied itself that those criteria are met in relation to a particular</p>	

<p>country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the</p>		<p>country of origin, and has consequently included it in the minimum common list of safe countries of origin to be adopted pursuant to this Directive, Member States should be obliged to consider applications of persons with the nationality of that country, or of stateless persons formerly habitually resident in that country, on the basis of the rebuttable presumption of the safety of that country. In the light of the political importance of the designation of safe countries of origin, in particular in view of the implications of an assessment of the human rights situation in a country of origin and its implications for the policies of the European Union in the field of external relations, the Council should take any decisions on the</p>	
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<p>(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.</p>		<p>(32) It results from the status of Bulgaria and Romania as candidate countries for accession to the European Union and the progress made by these countries towards membership that they should be regarded as constituting safe countries of origin for the purposes of this Directive until the date of their accession to the European Union.</p>	
<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the</p>	<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the</p>	<p>(33) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the</p>	

<p>general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are <input checked="" type="checkbox"/> valid <input checked="" type="checkbox"/> serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	<p>general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are valid reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	<p>general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are <input checked="" type="checkbox"/> valid <input checked="" type="checkbox"/> serious reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.</p>	
<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies <input checked="" type="checkbox"/> for international protection <input checked="" type="checkbox"/> as a refugee in accordance</p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies for international protection in accordance with Directive [...]/.../EU] [the</p>	<p>(34) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies <input checked="" type="checkbox"/> for international protection <input checked="" type="checkbox"/> as a refugee in accordance</p>	

<p>with <u>Directive [...]/.../EU</u> [the <u>Qualification Directive</u>] <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted</u>, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an <u>asylum</u> application ⇨ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or</p>	<p>Qualification Directive], except where the present Directive provides otherwise, in particular where it can be <i>ensured</i> that another country would do the examination or provide <i>effective</i> protection. In particular, Member States should not be obliged to assess the substance of an application for international protection where a first country of asylum has granted the applicant refugee status or otherwise <i>accessible and effective</i> protection and the applicant will be readmitted to this country. <i>Member States should proceed in this way only in cases where the applicant in question is safe in the third country concerned.</i> [Am. 10]</p>	<p>with <u>Directive [...]/.../EU</u> [the <u>Qualification Directive</u>] <u>Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted</u>, except where the present Directive provides otherwise, in particular where it can be reasonably assumed that another country would do the examination or provide sufficient protection. In particular, Member States should not be obliged to assess the substance of an <u>asylum</u> application ⇨ for international protection ⇐ where a first country of asylum has granted the applicant refugee status or</p>	
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<p>otherwise sufficient protection and the applicant will be readmitted to this country.</p>		<p>otherwise sufficient protection and the applicant will be readmitted to this country.</p>	
<p>(35) Member States should also not be obliged to assess the substance of an an asylum application ⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for considering that the applicant will be admitted or re-admitted to that country ⇐. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of</p>	<p>(35) Member States should also not be obliged to assess the substance of an an application for international protection where the applicant, due to a sufficient connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country, and there are grounds for considering that the applicant will be admitted or re-admitted to that country. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the</p>	<p>(35) Member States should also not be obliged to assess the substance of an an asylum application ⇒ for international protection ⇐ where the applicant, due to a ⇒ sufficient ⇐ connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country ⇒, and there are grounds for considering that the applicant will be admitted or re-admitted to that country ⇐. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of</p>	

<p>applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	<p>consideration or designation by Member States of third countries as safe should be established.</p>	<p>applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.</p>	
<p>(36) Furthermore, with respect to certain European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇒ for international protection ⇐ regarding applicants who enter their territory from such European third countries. Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases</p>	<p>(36) █</p>	<p>(36) Furthermore, with respect to certain European third countries, which observe particularly high human rights and refugee protection standards, Member States should be allowed to not carry out, or not to carry out full examination of asylum applications ⇒ for international protection ⇐ regarding applicants who enter their territory from such European third countries. Given the potential consequences for the applicant of a restricted or omitted examination, this application of the safe third country concept should be restricted to cases</p>	

<p>involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in this matter after consultation of the European Parliament.</p>		<p>involving third countries with respect to which the Council has satisfied itself that the high standards for the safety of the third country concerned, as set out in this Directive, are fulfilled. The Council should take decisions in this matter after consultation of the European Parliament.</p>	
<p>It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the concepts depends on whether the third country in question permits the applicant in question to enter its territory.</p>		<p>It follows from the nature of the common standards concerning both safe third country concepts as set out in this Directive, that the practical effect of the concepts depends on whether the third country in question permits the applicant in question to enter its territory.</p>	
<p>(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country</p>	<p>■</p>	<p>(37) In order to facilitate regular exchange of information about the national application of the safe country of origin, safe third country</p>	

<p>and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.</p>		<p>and European safe third country concepts and to prepare possible further harmonisation in the future, Member States should notify or periodically inform the Commission about the third countries to which these concepts are applied.</p>	
<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision to withdraw their status. However, dispensing with these guarantees should be allowed where</p>	<p>(38) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision to withdraw their status.</p>	<p>(38) With respect to the withdrawal of refugee ⇒ or subsidiary protection ⇐ status, Member States should ensure that persons benefiting from ⇒ international protection ⇐ refugee status are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision to withdraw their status. However, dispensing with these guarantees should be allowed where</p>	

<p>the reasons for the cessation of the refugee status is not related to a change of the conditions on which the recognition was based.</p>		<p>the reasons for the cessation of the refugee status is not related to a change of the conditions on which the recognition was based.</p>	
<p>(39) It reflects a basic principle of <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community law that the decisions taken on an application for asylum <input type="checkbox"/> international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, <input type="checkbox"/> and <input checked="" type="checkbox"/> the decisions <input type="checkbox"/> on the withdrawal of refugee <input type="checkbox"/> or subsidiary protection <input type="checkbox"/> status are subject to an effective remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the remedy, also with regard to the examination of the relevant facts, depends on the administrative and</p>	<p>(39) It reflects a basic principle of Union law that the decisions taken on an application for international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, and the decisions on the withdrawal of refugee or subsidiary protection status are subject to an effective remedy before a court or tribunal.</p>	<p>(39) It reflects a basic principle of <input checked="" type="checkbox"/> Union <input type="checkbox"/> Community law that the decisions taken on an application for asylum <input type="checkbox"/> international protection, the decisions concerning a refusal to re-open the examination of an application after its discontinuation, <input type="checkbox"/> and <input checked="" type="checkbox"/> the decisions <input type="checkbox"/> on the withdrawal of refugee <input type="checkbox"/> or subsidiary protection <input type="checkbox"/> status are subject to an effective remedy before a court or tribunal within the meaning of Article 234 of the Treaty. The effectiveness of the remedy, also with regard to the examination of the relevant facts, depends on the administrative and</p>	

<p>judicial system of each Member State seen as a whole.</p>		<p>judicial system of each Member State seen as a whole.</p>	
<p>(40) In accordance with Article 72 64 of the Treaty <u>on the Functioning of the European Union</u>, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.</p>	<p>(40) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.</p>	<p>(40) In accordance with Article 72 64 of the Treaty <u>on the Functioning of the European Union</u>, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.</p>	
			<p><u>Presidency suggestion</u></p> <p>(40a) Directive 95/46 of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data governs the processing of personal data carried out in the Member States pursuant to this</p>

			Directive.
<p>(41) This Directive does not deal with procedures ⇒ between Member States ⇐ governed by <u>Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [.../...]</u> [establishing the criteria and mechanisms for determining the Member state responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐] (the Dublin Regulation).</p>	<p>(41) This Directive does not deal with procedures between Member States governed by Regulation (EU) No [.../...] [establishing the criteria and mechanisms for determining the Member state responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] (the Dublin Regulation).</p>	<p>(41) This Directive does not deal with procedures ⇒ between Member States ⇐ governed by <u>Council Regulation (EC) No 343/2003 of 18 February 2003 Regulation (EU) No [.../...]</u> [establishing the criteria and mechanisms for determining the Member state responsible for examining an asylum application ⇒ for international protection ⇐ lodged in one of the Member States by a third-country national ⇒ or a stateless person ⇐] (the Dublin Regulation).</p>	
<p>(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees</p>	<p>(42) Applicants with regard to whom Regulation (EU) No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees</p>	<p>⦿ [...] ⦿</p>	

	pursuant to Regulation (EU) No [...] [the Dublin Regulation].	pursuant to Regulation (EU) No [...] [the Dublin Regulation].		
(43)	The implementation of this Directive should be evaluated at regular intervals not exceeding two years .	(43) The implementation of this Directive should be evaluated at regular intervals.	(43)	The implementation of this Directive should be evaluated at regular intervals not exceeding two years .
(44)	Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at ⊗ Union ⊗ Community level, the ⊗ Union ⊗ Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty <u>on European Union</u> . In	(44) Since the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(44)	Since the objectives of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing refugee status cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at ⊗ Union ⊗ Community level, the ⊗ Union ⊗ Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty <u>on European Union</u> . In

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

		<u>documents to be justified.</u> ©	
In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.		In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, the United Kingdom has notified, by letter of 24 January 2001, its wish to take part in the adoption and application of this Directive.	
In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application		In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland has notified, by letter of 14 February 2001, its wish to take part in the adoption and application	

of this Directive.		of this Directive.	
<p>(45) In accordance with Article 4a(1) of Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.</p>	<p>(45) In accordance with Article 4a(1) of Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to paragraph 2 of that Article, so long as the United Kingdom and Ireland have not notified their wish to accept this measure, in accordance with Article 4 of that Protocol, they are not bound by it and continue to be bound by Directive 2005/85/EC.</p>	<p>(45) In accordance with Articles 1, 2 and Article 4a(1) of Protocol (No. 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to [...] Article 4 of that Protocol, the United Kingdom and Ireland are not taking part in the adoption of this Directive and [...] are not bound by it or subject to its application [...].</p>	
<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty</p>	<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty</p>	<p>(46) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty</p>	

<p><u>on the Functioning of the European Union establishing the European Community</u>, Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.</p>	<p>on the Functioning of the European Union, Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.</p>	<p><u>on the Functioning of the European Union establishing the European Community</u>, Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.</p>	
<p>(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇒ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇐</p>	<p>(47) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly.</p>	<p>(47) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. ⇒ In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 18, 19, 21, 23, 24, and 47 of the Charter and has to be implemented accordingly. ⇐</p>	
<p>(48) The obligation to transpose this Directive into national law should be confined to those provisions which</p>	<p>(48) The obligation to transpose this Directive into national law should be confined to those provisions which</p>	<p>(48) The obligation to transpose this Directive into national law should be confined to those provisions which</p>	

represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	
(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	(49) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	
HAVE ADOPTED THIS DIRECTIVE,	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE,	
CHAPTER I	CHAPTER I	CHAPTER I	
GENERAL PROVISIONS	GENERAL PROVISIONS	GENERAL PROVISIONS	
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	
Purpose	Purpose	Purpose	
The purpose of this Directive is to	The purpose of this Directive is to	The purpose of this Directive is to	

<p>establish ⇒ common ⇐ minimum standards on procedures in Member States for granting and withdrawing ⇒ international protection status by virtue of Directive [...]/.../EU [the Qualification Directive] ⇐ refugee status.</p>	<p>establish common procedures for granting and withdrawing international protection status by virtue of Directive [...]/.../EU [the Qualification Directive].</p>	<p>establish ⇒ common ⇐ minimum standards on procedures in Member States for granting and withdrawing ⇒ international protection ⇐ [...] ⇐ by virtue of Directive [...]/.../EU [the Qualification Directive] ⇐ refugee status.</p>	
<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	
Definitions	Definitions	Definitions	
For the purposes of this Directive:	For the purposes of this Directive:	For the purposes of this Directive:	
<p>(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</p>	<p>(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</p>	<p>(a) "Geneva Convention" means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;</p>	
<p>(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the</p>		<p>(b) "application" or "application for asylum" means an application made by a third country national or stateless person which can be understood as a request for international protection from a Member State under the</p>	

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

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

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

<p>in such cases, subject to Annex I;</p>	<p>cases;</p>	<p>in such cases, subject to Annex I;</p>	
<p>(g g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of <u>Directive [...]/EU [the Qualification Directive] of the Geneva Convention as set out in Directive 2004/83/EC</u>;</p>	<p>(g) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of <u>Directive [...]/EU [the Qualification Directive]</u>;</p>	<p>(gg) "refugee" means a third country national or a stateless person who fulfils the requirements of Article 2(d) of <u>Directive [...]/EU [the Qualification Directive] of the Geneva Convention as set out in Directive 2004/83/EC</u>;</p>	
<p>(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/EU [the Qualification Directive];</p>	<p>(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/EU [the Qualification Directive];</p>	<p>(h) "person eligible for subsidiary protection" means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/EU [the Qualification Directive];</p>	
<p>(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;</p>	<p>(i) "international protection status" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;</p>	<p>(i) "international protection of [...]" means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;</p>	

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

<p>him/her whether by law or by custom, and for as long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;</p>		<p>him/her whether by law or by custom, and for as long as he/she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he/she has entered the territory of the Member States;</p>	
<p>(n z) "representative" means a ⇒ person or an organisation appointed by the competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance</p>	<p>(n) "representative" means a person or an organisation appointed by the competent bodies to act as a legal guardian in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation acts as a representative, it shall appoint a person responsible for carrying out the duties of the legal guardian in respect of the minor, in accordance</p>	<p>(nz) "representative" means a ⇒ person or an organisation appointed by the competent bodies ⇨ [...] ⇩ in order to assist and represent an unaccompanied minor in procedures provided for in this Directive with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary. Where an organisation ⇨ is appointed ⇩ ⇨ [...] ⇩ as a representative, it shall ⇨ designate ⇩ ⇨ [...] ⇩ a person responsible for carrying out the duties of ⇨ ⇨ [...] ⇩ ⇨ this ⇩</p>	

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

<p>(p k) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for ⇒ international protection ⇐ asylum has been made or is being examined;=</p>	<p>(p) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection has been made or is being examined;=</p>	<p>(pk) "remain in the Member State" means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for ⇒ international protection ⇐ asylum has been made or is being examined;=</p>	
	<p>(q) <i>"new facts and circumstances" means facts supporting the essence of the claim, which could contribute to the revision of an earlier decision.</i></p>		
<p>(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its</p>	<p>(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its</p>	<p>(q) "subsequent application" means a further application made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected an application following its</p>	

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

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

<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>	<u>Presidency suggestion</u> <i>Article 4</i>
Responsible authorities	Responsible authorities	Responsible authorities	Responsible authorities
<p>1. Member States shall designate for all procedures a determining authority which will be responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9. ⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p>	<p>1. Member States shall designate for all procedures a determining authority which will be responsible for an appropriate examination of applications in accordance with this Directive. Member States shall ensure that that authority is provided with appropriate means, including sufficient competent <u>and specialised</u> personnel, to carry out its tasks in accordance with this Directive.</p>	<p>1. Member States shall designate for all procedures a determining authority which will be responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9. ⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p>	<p>1. Member States shall designate for all procedures a determining authority which will be responsible for an appropriate examination of the applications in accordance with this Directive, in particular Articles 8(2) and 9. ⇒ Member States shall ensure that that authority is provided with appropriate means, including sufficient competent personnel, to carry out its tasks in accordance with this Directive. ⇐</p>
In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications		In accordance with Article 4(4) of Regulation (EC) No 343/2003, applications	

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

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

<p>pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous application;</p>		<p>pursuant to Article 32, provided this authority has access to the applicant's file regarding the previous application;</p>	
<p>(d) processing cases in the framework of the procedures provided for in Article 35(1);</p>		<p>(d) processing cases in the framework of the procedures provided for in Article 35(1);</p>	
<p>(b e) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5), subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining authority. ⇐ 3</p>	<p>(b) granting or refusing permission to enter in the framework of the procedure provided for in Article 43, subject to the conditions and as set out therein and on the basis of the <i>reasoned</i> opinion of the determining authority.</p>	<p>(be) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5), subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining authority. ⇐ 3</p>	<p>(be) ⇒ granting or ⇐ refusing permission to enter in the framework of the procedure provided for in Article ⇒ 43 ⇐ 35(2) to (5), subject to the conditions and as set out therein ⇒ and on the basis of the opinion of the determining authority. ⇐ 3</p>
<p>(f) establishing that an</p>		<p>(f) establishing that an</p>	

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

	<p><i>also ensure continuous psychological guidance and assistance of the personnel.</i></p> <p><u>The training shall include, in particular:</u></p> <p>(a) <u>substantive and procedural rules on international protection and Human Rights set out in relevant international and Union instruments, including the principles of non-refoulement and non-discrimination;</u></p> <p>(b) <i>applicants with special needs, as defined in Article 2(d);</i></p> <p>(c) <u>gender, sexual orientation, trauma and age awareness, with particular attention being paid to unaccompanied minors;</u></p> <p>(d) <u>use of country of origin information;</u></p> <p>(e) <u>interview technics, including cross-culture communication;</u></p> <p>(f) <u>identification and documentation of signs and symptoms of torture;</u></p> <p>(g) <u>evidence assessment, including the principle of the</u></p>	<p><u>affect the applicants' ability to be interviewed</u> , such as <u>indications of possible past torture.</u></p>	<p><u>applicants pursuant to this Directive shall also have acquired general knowledge of [...] problems which could adversely affect the applicants' ability to be interviewed</u> , such as <u>indications of possible past torture.</u></p> <p><u>NB Article 4(3) and Article 14(1) need to be coherent</u></p>
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	<u>benefit of the doubt;</u> (h) <u>case law issues relevant to the examination of applications for international protection.</u>		
4. 3. Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	4. Where an authority is designated in accordance with paragraph 2, Member States shall ensure that the personnel of that authority have the appropriate knowledge and receive the necessary training to fulfil their obligations when implementing this Directive.	4. 3. Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.	4. 3. Where <input checked="" type="checkbox"/> an authority is <input checked="" type="checkbox"/> authorities are designated in accordance with paragraph 2, Member States shall ensure that the personnel of <input checked="" type="checkbox"/> that authority <input checked="" type="checkbox"/> such authorities have the appropriate knowledge or receive the necessary training to fulfil their obligations when implementing this Directive.
5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.	5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.

<i>Article 5</i>	<i>Article 5</i>	<i>Article 5</i>	
More favourable provisions	More favourable provisions	More favourable provisions	
Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing international protection ⇔ refugee status , insofar as those standards are compatible with this Directive.	Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing international protection insofar as those standards are compatible with this Directive.	Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing international protection ⇔ refugee status , insofar as those standards are compatible with this Directive.	
CHAPTER II	CHAPTER II	CHAPTER II	
BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	BASIC PRINCIPLES AND GUARANTEES	
<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	<p><u>Parties in trilogue agree on the text Council Position.</u></p> <p><u>However, EP makes compromise suggestions to insert in the Articles 6(4) - similarly as in 14(1) and 31(3) - a provision on an obligation for MS to communicate certain information to the Commission.</u></p>

			Article 6
Access to the procedure	Access to the procedure	Access to the procedure	Access to the procedure
<p>1. Member States may require that applications for international protection asylum be lodged made in person and/or at a designated place ⇒, without prejudice to paragraphs 2, 3, and 4 ⇐.</p>	<p>1. Member States may require that applications for international protection be lodged in person and/or at a designated place, without prejudice to paragraphs 2, 3, and 4.</p>	<p>1. ⇒ [...] ⇐</p>	<p>1. ⇒ [...] ⇐</p>
		<p>⇒ [...] ⇐ ⇒ When a person makes a request for international protection, ⇐ ⇒ to an authority competent under national law for registration of such applications, the ⇒ registration ⇐ ⇒ [...] ⇐ shall ⇒ take place ⇐ ⇒ [...] ⇐ no later than 3 working days after the request is made. ⇐</p>	<p>⇒ [...] ⇐ ⇒ When a person makes a request for international protection, ⇐ ⇒ to an authority competent under national law for registration of such applications, the ⇒ registration ⇐ ⇒ [...] ⇐ shall ⇒ take place ⇐ ⇒ [...] ⇐ no later than 3 working days after the request is made. ⇐</p>

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

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

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

		report → [...] ☹ has reached the → relevant ☹ → competent ☹ → [...] ☹ authorities of the Member State concerned → [...] ☹ → [...] ☹	report → [...] ☹ has reached the → relevant ☹ → competent ☹ → [...] ☹ authorities of the Member State concerned → [...] ☹ → [...] ☹
To that end, Member States shall ensure that the personnel of authorities likely to receive such declarations has relevant instructions and receives the necessary training.	To that end, Member States shall ensure that the personnel of authorities likely to receive such declarations, <u>such as border guards, police and immigration authorities, and personnel of detention facilities</u> has relevant instructions and receives the necessary training for recognising, registering and forwarding applications for international protection.	→ [...] ☹	→ [...] ☹
In the implementation of this paragraph, Member States shall take into account relevant guidelines developed by the European Asylum	In the implementation of this paragraph, Member States shall take into account relevant guidelines developed by the European Asylum	→ [...] ☹	→ [...] ☹

Support Office.	Support Office.		
<p>4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days.</p>	<p>4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days <i>after notification to the Commission of the reasons why registration is not possible within the time limit laid down in paragraph 1.</i></p>	<p>5. [...] Where the simultaneous [...] request for international protection by a large number of third country nationals or stateless persons [...] makes it very difficult [...] in practice to respect the [...] time limit laid down in paragraph 1 [...], Member States may provide for that time limit to be extended to [...] 10 working days.</p>	<p>5. [...] Where the simultaneous [...] request for international protection by a large number of third country nationals or stateless persons [...] makes it very difficult [...] in practice to respect the [...] time limit laid down in paragraph 1 [...], Member States may provide for that time limit to be extended to [...] 10 working days.</p> <p><u>EP-suggestion</u></p> <p>4. Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice to respect the 72-hour time limit laid</p>

			<p>down in paragraph 3, Member States may provide for that time limit to be extended to 7 working days <i>after notification to the Commission of the reasons why registration is not possible within the time limit laid down in paragraph 1.</i> Member States shall communicate as soon as possible to the Commission the use as well as the grounds for applying the extended time limit of 7 working days.</p>
<p>2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum on his/her own behalf.</p>		<p>2. Member States shall ensure that each adult having legal capacity has the right to make an application for asylum on his/her own behalf.</p>	
<p>3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that</p>		<p>3. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that</p>	

dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.		dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.	
Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.		Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted.	
4. Member States may determine in national legislation		4. Member States may determine in national legislation	
(a) the cases in which a minor can make an application on his/her own behalf;		(a) the cases in which a minor can make an application on his/her own behalf;	
(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in		(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in	

Article 17(1)(a);		Article 17(1)(a);	
<p>(e) the cases in which the lodging of an application for asylum is deemed to constitute also the lodging of an application for asylum for any unmarried minor.</p>		<p>(e) the cases in which the lodging of an application for asylum is deemed to constitute also the lodging of an application for asylum for any unmarried minor.</p>	
<p>5. Member States shall ensure that authorities likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where he/she may make such an application and/or may require these authorities to forward the application to the competent authority.</p>		<p>5. Member States shall ensure that authorities likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where he/she may make such an application and/or may require these authorities to forward the application to the competent authority.</p>	

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

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

<p>concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or a representative.</p>	<p>concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or a representative. <i>In all other cases, paragraph 4 shall apply.</i></p>	<p>concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or ➔ through ➤ a representative.</p>	<p>concerned, or through his/her parents or other adult family members, or an adult responsible for him/her, whether by law or by national practice of the Member State concerned, or ➔ through ➤ a representative.</p>
<p>4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council¹ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies</p>	<p>4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals have the right to lodge an application for international protection</p>	<p>4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council² have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies</p>	<p>4. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council³ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies</p>

¹ OJ L 348, 24.12.2008, p. 98

² OJ L 348, 24.12.2008, p. 98

³ OJ L 348, 24.12.2008, p. 98

are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, those bodies are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].	are of the opinion that the minor may have protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive].
5. 4. Member States may determine in national legislation:	5. Member States may determine in national legislation:	5.4. Member States may determine in national legislation:	5.4. Member States may determine in national legislation:
(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;	(a) the cases in which a minor can make an application on his/her own behalf;
(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 17 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 17 (1)(a);	(b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 25 17 (1)(a);
(c) the cases in which	█	(c) the cases in which	(c) the cases in which

<p>the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.</p>		<p>the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.</p>	<p>the lodging of an application for ⇒ international protection ⇐ asylum is deemed to constitute also the lodging of an application for ⇒ international protection ⇐ asylum for any unmarried minor.</p>
<p><i>Article 8</i></p>	<p><i>Article 8</i></p>	<p><i>Article 8</i></p>	<p><u>Presidency suggestion.</u></p> <p><i>Article 8</i></p>
<p>Information and counselling at border crossing points and in detention facilities</p>	<p>Information and counselling at border crossing points and in detention facilities</p>	<p>Information and counselling at border crossing points and in detention facilities</p>	<p>Information and counselling at border crossing points and in detention facilities</p>
<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall</p>	<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders. Member States shall</p>	<p>1. Member States shall ensure that information on the possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders ➡, in response to an enquiry</p>	<p>1. In detention facilities and at border crossing points, including transit zones at external borders, Member States shall provide third-country nationals or stateless persons with access to ensure that information on the</p>

<p>provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>provide interpretation arrangements to the extent necessary to facilitate access to procedure in these areas.</p>	<p>from the third country national or stateless person in this respect. ☹ ☞ In these detention facilities and border areas, ☹ Member States shall provide interpretation arrangements to the extent necessary to facilitate access to ☞ the ☹ procedure ☞ concerning international protection ☹ ☞ [...] ☹.</p>	<p>possibility to request international protection is available in detention facilities and at border crossing points, including transit zones, at external borders ☞, in response to an enquiry from the third country national or stateless person in this respect ☹. information on the possibility to request international protection where there are indications that those persons may wish to make such request. ☞ In these detention facilities and border areas, ☹ Member States shall provide interpretation arrangements to the extent necessary to facilitate access to ☞ the ☹ procedure ☞ concerning international protection ☹ ☞ [...] ☹.</p>
<p>2. Member States shall ensure that organisations</p>	<p>2. Member States shall ensure that organisations</p>	<p>2. Member States shall ensure that organisations</p>	<p>2. Member States shall ensure that organisations</p>

<p>providing advice and counselling to applicants for international protection have access to the border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations in these areas and that such access is subject to an agreement with the competent authorities of the Member State.</p>	<p>providing <i>legal assistance and/or representation</i> to applicants for international protection have <i>swift</i> access to the border crossing points, including transit zones, and <u>detention facilities</u> at external borders. Member States may provide for rules covering the presence of such organizations in these areas, <i>as long as they do not limit access by applicants to advice and counselling</i>.</p>	<p><u>and persons</u> providing advice and counselling to applicants for international protection have access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> <u>The rules may also impose limitations</u> <u>due to the security, public order and administrative management of</u> <u>the area</u> concerned.</p>	<p><u>and persons</u> providing advice and counselling to applicants for international protection have effective access to the <u>applicants present at</u> border crossing points, including transit zones, at external borders. Member States may provide for rules covering the presence of such organizations <u>and persons</u> in these areas <u>and in particular that access is subject to an agreement with the competent authorities of the Member State.</u> Limits on access may be imposed only, where, by virtue of national law, they are objectively necessary for <u>The rules may also impose limitations</u> <u>due to the security, public order or and administrative</u></p>
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			<p>management of the area concerned provided that access is not thereby severely limited or rendered impossible.</p> <p>Last phrase of Article 8(2) is aligned with last phrase of Article 10(4) RCD.</p>
<i>Article 9</i>	<i>Article 9</i>	<i>Article 9</i>	
Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	Right to remain in the Member State pending the examination of the application	
<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to remain shall not constitute an entitlement</p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a <i>final</i> decision, <i>including in cases where an applicant lodges an appeal, and for as long as a competent court or tribunal so authorises</i> .</p>	<p>1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a decision in accordance with the procedures at first instance set out in Chapter III. This right to remain shall not constitute an entitlement</p>	

to a residence permit.	This right to remain shall not constitute an entitlement to a residence permit.	to a residence permit.	
<p>2. Member States can make an exception only where , in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant¹ or otherwise, or to a third country, ⇒ with the exception of the country of origin of the applicant concerned, ⇐ or to international criminal courts or tribunals.</p>	<p>2. Member States can make an exception only where a person makes a subsequent application referred to in Article 41 or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant or otherwise, or to a third country, with the exception of the country of origin of the applicant concerned, or to international criminal courts or tribunals.</p>	<p>2. Member States can make an exception only where , in accordance with Articles 32 and 34, ⇒ a person makes ⇐ a subsequent application ⇒ referred to in Article 41 ⇐ will not be further examined or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with a European arrest warrant² or otherwise, or to a third country ⇒ [...] ⇐ or to international criminal courts or tribunals.</p>	

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

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

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

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

<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the European Asylum Support Office, the United Nations High Commissioner for Refugees (UNHCR) and international human rights organisations, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions.</p>	<p>(b) precise and up-to-date information is obtained from various sources, such as the ⇒ European Asylum Support Office and the ⇐ United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions;</p>	
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<p>(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law: <u>3</u> <u>5</u></p>	<p>(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law <i>as well as human rights law and have completed the initial and follow-up training programme referred to in Article 4(1);</i></p>	<p>(c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law: <u>3</u> <u>5</u></p>	<p><u>EP AM inadmissible</u></p>
<p>(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious,</p>	<p>(d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious,</p>	<p>(d) the personnel examining applications and taking decisions ➡ [...] ◀ have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or</p>	

child-related or gender issues.	child-related, gender <i>or sexual orientation</i> issues.	gender issues.	
	(e) <i>the applicant and his/her legal advisor have access to information provided by the experts referred to in point (d).</i>		
4. 3. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	4. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 (b), necessary for the fulfilment of their task.	4. 3. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the general information referred to in paragraph 3 2 (b), necessary for the fulfilment of their task.	
5. 4. Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents relevant for the examination of applications.	5. Member States shall provide for rules concerning the translation of documents relevant for the examination of applications.	5. 4. Member States ⇒ shall ⇐ may provide for rules concerning the translation of documents relevant for the examination of applications.	

<i>Article 11 9</i>	<i>Article 11</i>	<i>Article 11 9</i>	
Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	Requirements for a decision by the determining authority	
<p>1. Member States shall ensure that decisions on applications for ⇒ international protection ⇐ asylum are given in writing.</p>	<p>1. Member States shall ensure that decisions on applications for international protection are given in writing.</p>	<p>1. Member States shall ensure that decisions on applications for ⇒ international protection ⇐ asylum are given in writing.</p>	
<p>2. Member States shall also ensure that, where an application is rejected ⇒ with regard to refugee status and/or subsidiary protection status ⇐, the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.</p>	<p>2. Member States shall also ensure that, where an application is rejected or granted with regard to refugee status and/or subsidiary protection status, the reasons in fact and in law are clearly stated in the decision and information on how to challenge a negative decision is given in writing at the time of issuing the decision and signed upon receipt by the recipient.</p>	<p>2. Member States shall also ensure that, where an application is rejected ⇒ with regard to refugee status and/or subsidiary protection status ⇐, the reasons in fact and in law are stated in the decision and information on how to challenge a negative decision is given in writing.</p>	
<p>Member States need not state the reasons for not</p>		<p>Member States need not state the reasons for not</p>	

<p>granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.</p>		<p>granting refugee status in a decision where the applicant is granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC. In these cases, Member States shall ensure that the reasons for not granting refugee status are stated in the applicant's file and that the applicant has, upon request, access to his/her file.</p>	
<p>Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier stage either in writing or by electronic means accessible to the applicant.</p>	<p>■</p>	<p>Moreover, Member States need not provide information on how to challenge a negative decision in writing in conjunction with a decision where the applicant has been provided with this information at an earlier stage either in writing or by electronic means accessible to the applicant.</p>	

<p>3. For the purposes of Article <u>7(2) 6(3)</u>, and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒ , unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	<p>3. For the purposes of Article 7(2), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants, unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution. <u>In such cases, a separate decision shall be issued to the person concerned.</u></p>	<p>3. For the purposes of Article <u>7(2) 6(3)</u>, and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants ⇒ , unless this would lead to the disclosure of particular circumstances of an applicant which could jeopardize his/her interests, in particular in cases involving gender, sexual orientation, gender identity and/or age based persecution ⇐.</p>	
<p><i>Article <u>12</u> #0</i></p>	<p><i>Article <u>12</u></i></p>	<p><i>Article <u>12</u> #0</i></p>	
<p>Guarantees for applicants for ⇒ international protection ⇐ asylum</p>	<p>Guarantees for applicants for international protection</p>	<p>Guarantees for applicants for ⇒ international protection ⇐ asylum</p>	
<p>1. With respect to the procedures provided for in Chapter III, Member</p>	<p>1. With respect to the procedures provided for in Chapter III, Member</p>	<p>1. With respect to the procedures provided for in Chapter III, Member</p>	

<p>States shall ensure that all applicants for international protection ↔ asylum enjoy the following guarantees:</p>	<p>States shall ensure that all applicants for international protection enjoy the following guarantees:</p>	<p>States shall ensure that all applicants for international protection ↔ asylum enjoy the following guarantees:</p>	
<p>(a) they shall be informed in a language which they ↔ understand or ↔ are ↔ may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the</p>	<p>(a) they shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to</p>	<p>(a) they shall be informed in a language which they ↔ understand or ↔ are ↔ may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the</p>	

<p>obligation to submit the elements as referred to in Article 4 of Directive [<u>.../.../EU</u>] [<u>the Qualification Directive</u>] 2004/83/EC ⇨ , as well as of the consequences of an explicit or implicit withdrawal of the application ⇨. This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article <u>13</u> 11;</p>	<p>submit the elements as referred to in Article 4 of Directive [<u>.../.../EU</u>] [<u>the Qualification Directive</u>], as well as of the consequences of an explicit or implicit withdrawal of the application. This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13;</p>	<p>obligation to submit the elements as referred to in Article 4 of Directive [<u>.../.../EU</u>] [<u>the Qualification Directive</u>] 2004/83/EC ⇨ , as well as of the consequences of an explicit or implicit withdrawal of the application ⇨. This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article <u>13</u> 11;</p>	
<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	<p>(b) they shall receive the services of an interpreter for submitting their case to the competent</p>	

<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant <input checked="" type="checkbox"/> is <input type="checkbox"/> to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 <input checked="" type="checkbox"/> 16, 17 and 34 <input type="checkbox"/> and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the applicant is to be interviewed as referred to in Articles 14, 15, 16, 17 and 34 and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	<p>authorities whenever necessary. Member States shall consider it necessary to give these services at least when the determining authority calls upon the applicant <input checked="" type="checkbox"/> is <input type="checkbox"/> to be interviewed as referred to in Articles <u>14, 15, 12</u> and 13 <input checked="" type="checkbox"/> 16, 17 and 34 <input type="checkbox"/> and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;</p>	
<p>(c) they shall not be denied the</p>	<p>(c) they shall not be denied the</p>	<p>(c) they shall not be denied the</p>	

<p>opportunity to communicate with the UNHCR or with any other organisation ⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of working on behalf of the UNHCR in the territory of the Member State pursuant to an agreement with that Member State;</p>	<p>opportunity to communicate with the UNHCR or with any other organisation providing legal advice or counselling to applicants for international protection in accordance with the national law of that Member State;</p>	<p>opportunity to communicate with the UNHCR or with any other organisation ⇒ providing legal advice or counselling to applicants for international protection in accordance with the national law of working on behalf of the UNHCR in the territory of the Member State pursuant to an agreement with that Member State;</p>	
<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that</p>	<p>(d) they and, if applicable, their legal advisers shall not be denied access to the information referred to in Article 10(3)(b), where the determining authority takes that</p>	<p>(d) they and, if applicable, their legal advisers in accordance with Article 23(1) in shall not be denied access to the information referred to in Article 10(3)(b), where the</p>	

<p>information into consideration for the purpose of taking a decision on their application;</p>	<p>information into consideration for the purpose of taking a decision on their application;</p>	<p>determining authority to has taken to [...] that information into consideration for the purpose of taking a decision on their application;</p>	
<p>(e) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection asylum. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection asylum.</p>	<p>(e) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection;</p>	<p>(ee) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection asylum. If a legal adviser or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection asylum.</p>	

<p>asylum;</p>		<p>asylum;</p>	
<p>(fe) they shall be informed of the result of the decision by the determining authority in a language that they ⇨ understand or ⇨ are ⇨ may reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> 9(2).</p>	<p>(f) they shall be informed of the result of the decision by the determining authority in a language that they understand or are reasonably supposed to understand when they are not assisted or represented by a legal adviser or other counsellor. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article 11(2).</p>	<p>(fe) they shall be informed of the result of the decision by the determining authority in a language that they ⇨ understand or ⇨ are ⇨ may reasonably be supposed to understand when they are not assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article <u>11(2)</u> 9(2).</p>	
<p>2. With respect to the</p>	<p>2. With respect to the</p>	<p>2. With respect to the</p>	

<p>procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) ⇒, (d) ⇐ and (e) of of this Article.</p>	<p>procedures provided for in Chapter V, Member States shall ensure that all applicants enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c), (d) and (e) of this Article.</p>	<p>procedures provided for in Chapter V, Member States shall ensure that all applicants for asylum enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) ⇒, (d) ⇐ and (e) of of this Article.</p>	
<p><i>Article 13</i></p>	<p><i>Article <u>13</u></i></p>	<p><i>Article 13</i></p>	
<p>Obligations of the applicants for ⇒ international protection ⇐ asylum</p>	<p>Obligations of the applicants for international protection</p>	<p>Obligations of the applicants for ⇒ international protection ⇐ asylum</p>	
<p>1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [.../.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum</p>	<p>1. Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities and to assist, to the extent of their physical and psychological capacities, in clarifying the situation and to reveal their identity, nationality and other elements referred to in Article 4(2) of Directive</p>	<p>1. ⇒ Member States shall impose upon applicants for international protection the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements referred to in Article 4(2) of Directive [.../.../EU] [the Qualification Directive]. ⇐ Member States may impose upon applicants for asylum</p>	

<p>⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	<p>[.../.../EU] [the Qualification Directive] <i>to the competent authorities. If they are not in possession of a valid passport or a document in lieu of a passport, applicants shall be required to cooperate in obtaining an identity document. So long as applicants are permitted to remain in the Member State under international protection during the consideration of the application, they shall not be required to enter into contact with authorities of their country of origin if there is reason to fear persecution by that state.</i> Member States may impose upon applicants other obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the</p>	<p>⇒ other ⇐ obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application.</p>	
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	application.		
2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	2. In particular, Member States may provide that:	
(a) applicants for asylum are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	(a) applicants are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	(a) applicants for asylum are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;	
(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants have to hand over documents in their possession relevant to the examination of the application, such as their passports;	(b) applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passports;	
(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any	(c) applicants are required to inform the competent authorities of their current place of residence or address and of any changes thereof as	(c) applicants for asylum are required to inform the competent authorities of their current place of residence or address and of any	

<p>changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;</p>	<p>soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;</p>	<p>changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;</p>	
<p>(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ , provided the search is carried out by a person of the same sex ⇐ ;</p>	<p>(d) the competent authorities may search the applicant and the items he/she carries with him/her, provided the search is carried out by a person of the same sex <i>who is sensitive to the applicant's age and culture and fully respects the principle of human dignity and physical and mental integrity</i>;</p>	<p>(d) the competent authorities may search the applicant and the items he/she carries with him/her ⇒ ⇐ . Whenever possible, a search of the applicant's person shall be ⇐ ⇐ [...] ⇐ carried out by a person of the same sex ⇐ ;</p>	

(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	(e) the competent authorities may take a photograph of the applicant; and	
(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	(f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.	
<i>Article <u>14</u> 12</i>	<i>Article <u>14</u></i>	<i>Article <u>14</u> 12</i>	<p><u>Parties in the trilogue agree that the text below might be a good compromise.</u></p> <p><u>NB 1 However, EP makes a suggestion to insert in 14(1) - and similarly in the Articles 6(4) and 31(3) - an obligation for MS to communicate certain information to the Commission.</u></p> <p><u>NB 2 In relation to EP AM on admissibility interview, the parties in trilogue agree that the modifications in Article 34 might</u></p>

			<p>be a good compromise.</p> <p><i>Article 14 12</i></p>
Personal interview	Personal interview	Personal interview	Personal interview
<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p>	<p>1. Before a decision is taken by the determining authority, the applicant shall be given the opportunity of a personal interview on his/her application for international protection <i>in a language which he/she understands</i> with a person competent under national law to conduct such an interview. Interviews on <i>the admissibility of an application for international protection and on</i> the substance of the application for international protection shall be conducted by the personnel of the determining authority.</p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p>	<p>1. Before a decision is taken by the determining authority, the applicant for asylum shall be given the opportunity of a personal interview on his/her application for ⇒ international protection ⇐ asylum with a person competent under national law to conduct such an interview. ⇒ Interviews on the substance of the application for international protection shall be conducted by the personnel of the determining authority. ⇐</p> <p><u>NB Presidency considers that EP AM "in a language which he/she understands" is covered in Article 15(3)(c).</u></p>

		☞ This paragraph shall be without prejudice to Article 42(2)(b). ☞	☞ This paragraph shall be without prejudice to Article 42(2)(b). ☞
Member States may also give the opportunity of a personal interview to each dependant adult referred to in Article 6(3).		Member States may also give the opportunity of a personal interview to each dependant adult referred to in Article 6(3).	
Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews <i>after notification to the Commission of the reasons why it is impossible in practice for the determining</i>	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the	Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews. In such cases, the personnel of that authority shall receive in advance the relevant necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010. Persons interviewing applicants pursuant to this Directive shall also have acquired general knowledge of problems which

<p>elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.</p>	<p><i>authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time-limit as laid down in Article 31(3).</i> In such cases, the personnel of that authority shall receive in advance the necessary training which shall include the elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive <i>as well as the training established and developed by the European Asylum Support Office.</i></p>	<p>elements listed in Article 6(4)(a) to (e) of Regulation (EU) No 439/2010 and in Article 18(5) of this Directive.</p>	<p>could adversely affect the applicants' ability to be interviewed, such as indications of possible past torture –and in Article 18(5) of this Directive.</p> <p><u>NB1 Article 4(3) and Article 14(1) need to be coherent</u></p> <p><u>EP suggestion as to its amendment on notification:</u></p> <p>1.</p> <p>Where a large number of third country nationals or stateless persons simultaneously request international protection, which makes it impossible in practice for the determining authority to conduct timely interviews on the substance of an application, Member States may provide that the personnel of another authority be temporarily involved in conducting such interviews <i>after notification to the Commission of the</i></p>
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			<p><i>reasons why it is impossible in practice for the determining authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time-limit as laid down in Article 31(3). after communication as soon as possible to the Commission of the use of this exception and the grounds justifying why it is impossible in practice for the determining authority to conduct those interviews within a time frame that enables the determining authority to conclude the procedure within the time-limit as laid down in Article 31(3).</i></p>
<p>Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a</p>	<p>Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a</p>	<p>Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a</p>	<p>Where a person has made an application for international protection on behalf of his/her dependants, each adult concerned shall be given the opportunity of a</p>

personal interview.	personal interview.	personal interview.	personal interview.
Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	Member States <i>shall</i> determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview, <i>taking due account of the child's best interests and special needs.</i>	Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.	Member States may determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview.
2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:	2. The personal interview on the substance of the application may be omitted where:
(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision with regard to refugee status on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or	(a) the determining authority is able to take a positive decision ⇒ with regard to refugee status ⇐ on the basis of evidence available; or
(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her		(b) the competent authority has already had a meeting with the applicant for the purpose of assisting him/her	

<p>with completing his/her application and submitting the essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or</p>		<p>with completing his/her application and submitting the essential information regarding the application, in terms of Article 4(2) of Directive 2004/83/EC; or</p>	
<p>(e) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a), (e), (g), (h) and (j) apply;</p>		<p>(e) the determining authority, on the basis of a complete examination of information provided by the applicant, considers the application to be unfounded in cases where the circumstances mentioned in Article 23(4)(a), (e), (g), (h) and (j) apply;</p>	
<p>3. The personal interview may also be omitted where</p>		<p>3. The personal interview may also be omitted where</p>	

<p>(b) it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or permanent ⇐ Member States may require a medical or psychological</p>	<p>(b) the determining authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or permanent.</p>	<p>(b) it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or ⇒ of long-term nature ⇐ ⇒ [...] ⇐ Member States may require a medical or psychological</p>	<p>(b) it is not reasonably practicable, in particular where the ⇒ determining ⇐ competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, ⇒ the determining authority shall consult a medical expert to establish whether the condition that makes the applicant unfit or unable to be interviewed is temporary or ⇐ of enduring long-term nature ⇐ [...] ⇐ Member States may require a medical or psychological certificate.</p>
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<p>certificate.</p>		<p>certificate.</p>	
<p>Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to point (b) <u>this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>	<p>Where a personal interview is not conducted pursuant to point (b), or where applicable, with the dependant, <i>the determining authority shall allow the applicant or the dependant to reschedule the personal interview and</i> to submit further information.</p>	<p>Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to point (b) <u>this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>	<p>Where <input checked="" type="checkbox"/> a personal interview is not conducted <input checked="" type="checkbox"/> the Member State does not provide the applicant with the opportunity for a personal interview pursuant to <u>point (b) this paragraph</u>, or where applicable, <input checked="" type="checkbox"/> with <input checked="" type="checkbox"/> to the dependant, reasonable efforts shall be made to allow the applicant or the dependant to submit further information.</p>
<p>3. 4. The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for ⇒ international protection ⇐ asylum.</p>		<p>3.4. The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for ⇒ international protection ⇐ asylum.</p>	<p>3.4. The absence of a personal interview in accordance with this Article shall not prevent the determining authority from taking a decision on an application for ⇒ international protection ⇐ asylum.</p>
<p>4. 5. The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>	<p>4. The absence of a personal interview pursuant to paragraph 2(b) shall not</p>	<p>4.5. The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>	<p>4.5. The absence of a personal interview pursuant to paragraph 2(b) and (c)</p>

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

<i>Article 15 13</i>	<i>Article 15</i>	<i>Article 15 13</i>	<u>Presidency suggestion</u> <u>NB Presidency suggests a new recital (15a) in response to EP amendments related to professionals working with the procedures of this directive.</u> <i>Article 15 13</i>
Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview	Requirements for a personal interview
1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.	1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present
2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.	2. A personal interview shall take place under conditions which ensure appropriate confidentiality.
3. Member States shall take appropriate steps to	3. Member States shall take appropriate steps to	3. Member States shall take appropriate steps to	. Member States shall take appropriate steps to

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

<p>Conditions Directive] ⇐ insofar as it is possible to do so; <u>and</u></p>	<p>Conditions Directive]</p>		
<p>(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;</p>	<p>(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;</p>	<p>(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests ↗ <u>unless the determining authority deems that</u> ☹ ↗ ↗ [...] ☹ the request is ↗ [...] ☹ based on discriminatory ↗ grounds ☹ ↗ [...] ☹☹ ;</p>	<p>(b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests ↗ <u>unless the determining authority deems that</u> ☹ ↗ ↗ [...] ☹ the request is ↗ [...] ☹ based on discriminatory ↗ grounds ☹ ↗ [...] ☹☹ ;</p> <p>NB EP has expressed concerns as to the phrase on discriminatory grounds.</p>
<p>(c) select an ⇐ competent ⇐ interpreter who is able to ensure</p>	<p>(c) select a competent interpreter who is able to ensure appropriate</p>	<p>(c) select ↗ an ☹ ↗ [...] ☹ interpreter who is able to ensure</p>	<p>(c) select ↗ an ☹ ↗ [...] ☹ interpreter who is able to ensure</p>

<p>appropriate communication between the applicant and the person who conducts the interview. The communication <input checked="" type="checkbox"/> shall <input checked="" type="checkbox"/> need not necessarily take place in the language preferred by the applicant for asylum <input checked="" type="checkbox"/> unless <input checked="" type="checkbox"/> if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate <input checked="" type="checkbox"/> clearly <input checked="" type="checkbox"/>. <input checked="" type="checkbox"/> Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests <input checked="" type="checkbox"/>.</p>	<p>communication between the applicant and the person who conducts the interview and is required to comply with a code of conduct laying down the rights and duties of the interpreter. The communication shall take place in the language preferred by the applicant unless there is another language which he/she understands and in which he/she is able to communicate clearly. Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests;</p>	<p>appropriate communication between the applicant and the person who conducts the interview. The communication <input checked="" type="checkbox"/> shall <input checked="" type="checkbox"/> need not necessarily take place in the language preferred by the applicant for asylum <input checked="" type="checkbox"/> unless <input checked="" type="checkbox"/> if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate <input checked="" type="checkbox"/> clearly <input checked="" type="checkbox"/>. <input checked="" type="checkbox"/> Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests <input checked="" type="checkbox"/> unless the determining</p>	<p>appropriate communication between the applicant and the person who conducts the interview. The communication <input checked="" type="checkbox"/> shall <input checked="" type="checkbox"/> need not necessarily take place in the language preferred by the applicant for asylum <input checked="" type="checkbox"/> unless <input checked="" type="checkbox"/> if there is another language which he/she may reasonably be supposed to understands and in which he/she is able to communicate <input checked="" type="checkbox"/> clearly <input checked="" type="checkbox"/>. <input checked="" type="checkbox"/> Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests <input checked="" type="checkbox"/> unless the determining</p>
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		<p>authority deems that <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> the request is <input type="checkbox"/> [...] <input type="checkbox"/> based on discriminatory <input type="checkbox"/> grounds <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ↩;</p>	<p>authority deems that <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> the request is <input type="checkbox"/> [...] <input type="checkbox"/> based on discriminatory <input type="checkbox"/> grounds <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ↩;</p>
<p>(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;</p>	<p>(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a <u>uniform</u>;</p>	<p>(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;</p>	<p>(d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a military or law enforcement uniform;</p>
<p>(e) ensure that interviews with minors are conducted in a child appropriate manner.</p>	<p>(e) ensure that interviews with minors are conducted in a child appropriate manner and by a person with the necessary knowledge of the special needs and rights of minors.</p>	<p>(e) ensure that interviews with minors are conducted in a child appropriate manner.</p>	<p>(e) ensure that interviews with minors are conducted in a child appropriate manner.</p> <p>NB EP AM is addressed in Article 25 in relation to qualifications of a representative.</p>

4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.	4. Member States may provide for rules concerning the presence of third parties at a personal interview.
5. This Article is also applicable to the meeting referred to in Article 12(2)(b).		5. This Article is also applicable to the meeting referred to in Article 12(2)(b).	
<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>	Parties in the trilogue suggest to take the Com/Council text <i>Article 16</i>
Content of a personal interview	Content of a personal interview	Content of a personal interview	Content of a personal interview
When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU [the Qualification Directive] as completely as possible. This shall include the opportunity to give an	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure <u>that the questions addressed to the applicant are relevant to the assessment of whether he/she is in need of international protection in accordance with Directive [...]/.../EU [the Qualification Directive]</u> and that the applicant is given an adequate opportunity	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU [the Qualification Directive] as completely as possible. This shall include the opportunity to give an	When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with Article 4 of Directive [...]/.../EU [the Qualification Directive] as completely as possible. This shall include the opportunity to give an

<p>explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p>to present elements needed to substantiate the application as completely as possible. This shall include an adequate opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p>explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>	<p>explanation regarding elements which may be missing and/or any inconsistencies or contradictions in his/her statements.</p>
<p>Article 14</p>		<p>Article 14</p>	
<p>Status of the report of a personal interview in the procedure</p>		<p>Status of the report of a personal interview in the procedure</p>	
<p>1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms of Article 4(2) of Directive 2004/83/EC.</p>		<p>1. Member States shall ensure that a written report is made of every personal interview, containing at least the essential information regarding the application, as presented by the applicant, in terms of Article 4(2) of Directive 2004/83/EC.</p>	
<p>2. Member States shall ensure that applicants have timely access to the report of the personal</p>		<p>2. Member States shall ensure that applicants have timely access to the report of the personal</p>	

interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.		interview. Where access is only granted after the decision of the determining authority, Member States shall ensure that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.	
3. Member States may request the applicant's approval of the contents of the report of the personal interview.		3. Member States may request the applicant's approval of the contents of the report of the personal interview.	
Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.		Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the applicant's file.	
The refusal of an applicant to approve the contents of the report shall not prevent the determining authority from taking a decision on his/her application.		The refusal of an applicant to approve the contents of the report shall not prevent the determining authority from taking a decision on his/her application.	
4. This Article is also		4. This Article is also	

applicable to the meeting referred to in Article 12(2)(b).		applicable to the meeting referred to in Article 12(2)(b).	
<i>Article 17</i>	<i>Article 17</i>	<i>Article 17</i>	<u>Presidency suggestion</u> NB <u>Presidency suggests a new recital (40a) in light of possible data protection issues related to audio visual registration of an interview.</u> <i>Article 17</i>
Report and recording of personal interviews	Transcript, <i>report</i> and recording of personal interviews	Report and recording of personal interviews	Report and recording of personal interviews
1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a <i>transcript</i> is made of every personal interview, <i>unless the interview is audio or audio-visually recorded.</i>	1. Member States shall ensure that a thorough report containing all substantial elements is made of every personal interview.	1. Member States shall ensure that a thorough and objective report containing all substantial elements is made of every personal interview.
2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording of the	2. Member States may provide for audio or audio-visual recording of the personal interview <i>with the consent of the applicant.</i> In this case, <i>in no way the refusal of an</i>	2. Member States may provide for audio or audio-visual recording of the personal interview. In this case, Member States shall ensure that the recording ↻ or a	. Member States may provide for audio or audio-visual recording of the personal interview. In this case an audio or an audio visual recording of the

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

<p>with the assistance of an interpreter if necessary. Member States shall then request the approval of the applicant on the content of the report.</p>	<p>with regard to any mistranslations or misconceptions appearing in the transcript.</p>	<p>opportunity to make comments and/or provide clarifications in the report. ☹ To that end, Member States shall ensure that the applicant is fully informed of the ☹ [...] ☹ ☹ substantial elements ☹ of the report ☹ as referred to in paragraph 1 ☹, with the assistance of an interpreter if necessary. Member States shall then request the ☹ acknowledgement ☹ ☹ [...] ☹ of the applicant on the content of the report.</p>	<p>applicant has the opportunity to make comments and/or provide clarifications in the report. ☹ To that end, Member States shall ensure that the applicant is fully informed of the content ☹ [...] ☹ ☹ substantial elements ☹ of the report ☹ as referred to in paragraph 1 ☹, with the assistance of an interpreter if necessary. Member States shall then request the acknowledgement ☹ ☹ [...] ☹ of the applicant to confirm that on the content of the report correctly reflects the interview.</p>
<p>Member States need not request the applicant's approval on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible as evidence in</p>		<p>Member States need not request the applicant's ☹ acknowledgement ☹ ☹ [...] ☹ on the content of the report if the interview is recorded in accordance with paragraph 2 and if the recording is admissible</p>	<p>Member States need not request the applicant's confirmation that acknowledgement ☹ ☹ [...] ☹ on the content of the report correctly reflects the interview if the interview is recorded in accordance with</p>

<p>procedures referred to in Chapter V.</p>		<p>as evidence in procedures referred to in Chapter V.</p>	<p>paragraph 2 and if the recording is admissible as evidence in procedures referred to in Chapter V.</p>
<p>4. Where an applicant refuses to approve the content of the report, the reasons for this refusal shall be entered into the applicant's file.</p>	<p>4. Where an applicant refuses to approve the transcript, the reasons for this refusal shall be entered into the applicant's file.</p>	<p>4. Where an applicant refuses to <input type="radio"/> acknowledge <input type="radio"/> [...] <input type="radio"/> the content of the report, the reasons for this refusal shall be entered into the applicant's file.</p>	<p>4. Where an applicant refuses to confirm that <input type="radio"/> acknowledge <input type="radio"/> [...] <input type="radio"/> the content of the report correctly reflects the interview, the reasons for this refusal shall be entered into the applicant's file.</p>
<p>The refusal of an applicant to approve the content of the report shall not prevent the determining authority from taking a decision on the application.</p>	<p>The refusal of an applicant to approve the content of the transcript shall not prevent the determining authority from taking a decision on his/her application.</p>	<p>The refusal of an applicant to <input type="radio"/> acknowledge <input type="radio"/> [...] <input type="radio"/> the content of the report shall not prevent the determining authority from taking a decision on the application.</p>	<p>Such The refusal of an applicant to <input type="radio"/> acknowledge <input type="radio"/> [...] <input type="radio"/> the content of the report shall not prevent the determining authority from taking a decision on the application.</p>
	<p>5. <u>Without prejudice to paragraphs 1 to 2, Member States may ensure that a written report is made of a personal interview, containing at least the</u></p>		

	<p><u>essential information regarding the application, as presented by the applicant. In such cases, Member States shall ensure that the transcript of the personal interview or the recording is annexed to the report.</u></p>		
<p>5. Applicants shall not be denied access to the report and, where applicable, the recording, before the determining authority takes a decision.</p>	<p>6. Applicants <i>and their legal adviser or other counsellor, as defined in article 23</i>, shall not be denied access to the <i>transcript or</i>, where applicable, the recording, before the determining authority takes a decision.</p>	<p>5. Applicants shall not be denied access to the report and, where applicable, the recording <u>or transcript thereof</u> , before the determining authority takes a decision. <u>Where the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report is granted at the same time as the decision is made.</u></p>	<p>5. Applicants and their legal adviser or other counsellor, as defined in Article 23, shall not be denied access to the report and, where applicable, the recording <u>or transcript thereof</u> , before the determining authority takes a decision. Without prejudice to paragraph 3, where <u>Where the application is determined in the framework provided for in Article 31(6), Member States may provide that access to the report is granted at the same time as the decision is made.</u></p>

<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>	<u>Presidency suggestion</u> <i>Article 18</i>
Medical reports	Medical reports	Medical <u>examination</u> <u>[...]</u>	Medical <u>examination</u> <u>[...]</u>
<p>1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this Article. If the applicant fails to submit the results of the medical</p>	<p>1. Member States shall allow an applicant to have a medical examination carried out in order to submit a medical certificate to the determining authority in support of his/her statements regarding past persecution or serious harm. Member States may require the applicant to submit the results of the medical examination to the determining authority within a reasonable time limit after he/she has been informed about his/her rights pursuant to this Article. If the applicant fails to submit the results of the medical</p>	<p>1. <u>Where the determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive],</u> <u>Member States shall</u> <u>, subject to the applicant's consent,</u> <u>arrange</u> <u>for a medical examination of him/her concerning signs that might result from past persecution or serious harm</u> <u>Alternative</u></p>	<p>1. <u>Where the determining authority deems it relevant for the assessment of the applicant's request for international protection, in accordance with Article 4 of Directive [...]/.../EU][Qualification Directive],</u> <u>Member States shall</u> <u>, subject to the applicant's consent,</u> <u>arrange</u> <u>for a medical examination of him/her concerning signs that might result from past persecution or serious harm</u> <u>Alternative</u></p>

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

		<u>international protection.</u> ☹	<u>international protection.</u> ☹
		☹ <u>Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds.</u> ☹	☹ <u>Medical examinations carried out in accordance with this paragraph shall be paid for out of public funds.</u> ☹
		2. ☹ <u>Member States shall</u> ☹ <u>[...] ☹ ☹, whenever relevant, ☹ ☹ inform applicants that they may on their own initiative and at their own cost arrange for ☹ a medical examination concerning signs that might result from past persecution or serious harm</u> ☹ <u>[...] ☹☹ ☹.</u>	2. ☹ <u>Member States shall</u> ☹ <u>[...] ☹ ☹, whenever relevant, ☹ ☹ inform applicants that they may on their own initiative and at their own cost arrange for ☹ a medical examination concerning signs that might result from past persecution or serious harm</u> ☹ <u>[...] ☹☹ ☹.</u>
2. ☹ Without prejudice to paragraph 1, in cases where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements	2. Without prejudice to paragraph 1, in cases where the determining authority considers that there is reason to believe that the applicant's ability to be interviewed and/or to give accurate and coherent statements		

<p>does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.</p>	<p>does not exist or is limited as a results of post-traumatic stress disorder, past persecution or serious harm, it shall ensure that a medical examination is carried out with the applicant's consent. The applicant's refusal to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.</p>		
<p>3. Member States shall provide for relevant arrangements in order to ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations referred to in paragraph 2.</p>	<p>3. Member States shall provide for relevant arrangements in order to ensure that impartial and qualified medical expertise is made available for the purpose of medical examinations referred to in paragraph 2 and that the less invasive medical examination is selected when the applicant is a minor.</p>	<p>☞ [...] ☜</p>	<p>☞ [...] ☜</p>

<p>4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.</p>	<p>4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.</p>	<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p> <p><u>NB. Reference to identification of symptoms of torture covered in Council text in Article 4(3).</u></p>
<p>5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely affect the applicant's ability to be interviewed.</p>	<p>5. Member States shall ensure that the persons interviewing applicants pursuant to this Directive receive training with regard to the awareness of symptoms of torture and of medical problems which could adversely affect the applicant's ability to be interviewed.</p>	<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p>
<p>6. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.</p>	<p>6. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application.</p>	<p>☞ 3 ☞ ☞ [...] ☞. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the</p>	<p>☞ 3 ☞ ☞ [...] ☞. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the</p>

	<u>They shall, in particular, be taken into account when establishing whether the applicant's statements are credible and sufficient.</u>	<u>application.</u>	<u>application.</u>
<u>Article 19</u>	<i>Article 19</i>	<u>Article 19</u>	<u>Presidency suggests to maintain Council text</u> <u>EP maintains its amendment in paragraph 1.</u> <u>Article 19</u>
Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance	Provision of legal and procedural information free of charge in procedures at first instance
1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the	1. Member States shall ensure that legal and procedural information is provided free of charge to applicants, on request, in procedures at first instance provided for in Chapter III. This shall include, at least, the provision of information on the procedure in the	1. <u>↻ In procedures at first instance provided for in Chapter III</u> <u>☉ Member States shall ensure that</u> <u>↻ [...] ☉, on request,</u> <u>↻ applicants are provided with legal and procedural information free of charge</u> <u>☉</u> <u>↻ [...] ☉. This shall include, at least, the</u>	1. <u>↻ In procedures at first instance provided for in Chapter III</u> <u>☉ Member States shall ensure that</u> <u>↻ [...] ☉, on request,</u> <u>↻ applicants are provided with legal and procedural information free of charge</u> <u>☉</u> <u>↻ [...] ☉. This shall include, at least, the</u>

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

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

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

		<u>effective remedy before a court or tribunal against this decision.</u> ☹	<u>effective remedy before a court or tribunal against this decision.</u> ☹
In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In ☹ <u>the application of this paragraph</u> ☹ ☹ [...] ☹, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.	In ☹ <u>the application of this paragraph</u> ☹ ☹ [...] ☹, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.
4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.	4. Free legal assistance and representation shall be subject to the conditions laid down in Article 21.
<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>	<u>Presidency suggestion</u> <i>Article 21</i>
Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation	Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation
1. Member States may	1. Member States may	1. Member States may	1. Member States may

<p>provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20 are provided by non-governmental organisations, government officials, or specialised services of the State.</p>	<p>provide that the legal and procedural information referred to in Article 19 and the legal assistance and representation referred to in Article 20 are provided by <i>specialised, suitably qualified and impartial legal advisers, counsellors, other qualified professionals or qualified</i> non governmental organisations <i>specifically designated by national law to assist and represent asylum seekers.</i></p>	<p>provide that the legal and procedural information referred to in Article 19 is provided by non-governmental organisations, government officials, or specialised services of the State.</p>	<p>provide that the legal and procedural information referred to in Article 19 is provided by non-governmental organisations, government officials, or specialised services of the State.</p>
	<p>Member States <i>shall allow and facilitate the provision by</i> non-governmental organisations <i>of</i> free legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and/or Chapter V.</p>		

		<p>☞ <u>Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under national law.</u> ☹</p>	<p>☞ <u>Free legal assistance and representation referred to in Article 20 shall be provided by such persons as admitted or permitted under national law.</u> ☹</p> <p>Member States shall ensure that the persons providing the legal and procedural information referred to in Article 19 and the free legal assistance and representation referred to in Article 20 are suitably qualified persons whose interests do not conflict or could not potentially conflict with those of the asylum seekers.</p> <p><u>Text is in line with Article 9(5) RCD</u></p>
<p>1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor, admitted or permitted as</p>		<p>1. Member States shall allow applicants for asylum the opportunity, at their own cost, to consult in an effective manner a legal adviser or other counsellor, admitted or permitted as</p>	

<p>such under national law, on matters relating to their asylum applications.</p>		<p>such under national law, on matters relating to their asylum applications.</p>	
<p>2. ³ Member States may provide in their national legislation that ⇒ the provision of legal and procedural information free of charge referred to in Article 19 and ⇐ free legal assistance and/or representation ☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>	<p>2. Member States may provide that the provision of legal and procedural information free of charge referred to in Article 19 and free legal assistance and representation referred to in Article 20 are granted:</p>	<p>2. ³ Member States may provide in their national legislation that ⇒ the provision of legal and procedural information free of charge referred to in Article 19 and ⇐ free legal assistance and/or representation ☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>	<p>2. ³ Member States may provide in their national legislation that ⇒ the provision of legal and procedural information free of charge referred to in Article 19 and ⇐ free legal assistance and/or representation ☒ referred to in Article 20 ☒ ☒ are ☒ is granted:</p>
<p>(a) only for procedures before a court or tribunal in accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or</p>		<p>(a) only for procedures before a court or tribunal in accordance with Chapter V and not for any onward appeals or reviews provided for under national law, including a rehearing of an appeal following an onward appeal or review; and/or</p>	

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

		reviews provided for under national law including rehearings or reviews of appeals. ☐	appeals or reviews provided for under national law including rehearings or reviews of appeals. ☐
(d) only if the appeal or review is likely to succeed.		(d) only if the appeal or review is likely to succeed.	
Member States shall ensure that legal assistance and/or representation granted under point (d) is not arbitrarily restricted.		Member States shall ensure that legal assistance and/or representation granted under point (d) is not arbitrarily restricted.	
3. 4. Rules concerning the modalities for filing and processing requests for ⇒ legal and procedural information under Article 19 and ⇐ legal assistance and/or representation ☒ under Article 20 ☒ may be provided by Member States.	3. Rules concerning the modalities for filing and processing requests for legal and procedural information under Article 19 and legal assistance and representation under Article 20 may be provided by Member States.	3.4. Rules concerning the modalities for filing and processing requests for ⇒ legal and procedural information under Article 19 and ⇐ legal assistance and/or representation ☒ under Article 20 ☒ may be provided by Member States.	3.4. Rules concerning the modalities for filing and processing requests for ⇒ legal and procedural information under Article 19 and ⇐ legal assistance and/or representation ☒ under Article 20 ☒ may be provided by Member States.
4. 5. Member States may also:	4. Member States may also:	4.5. Member States may also:	4.5. Member States may also:
(a) impose monetary	(a) impose monetary	(a) impose monetary	(a) impose monetary

<p>and/or time limits on the ⇒ provision of legal and procedural information free of charge referred to in Article 19 and the ⇐ provision of free legal assistance and/or representation ☒ referred to in Article 20 ☒ , provided that such limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;</p>	<p>and/or time limits on the provision of legal and procedural information free of charge referred to in Article 19 and the provision of free legal assistance and representation referred to in Article 20, provided that such limits do not arbitrarily restrict access to the provision of legal and procedural information and legal assistance and representation;</p>	<p>and/or time limits on the ⇒ provision of legal and procedural information free of charge referred to in Article 19 and the ⇐ provision of free legal assistance and/or representation ☒ referred to in Article 20 ☒ , provided that such limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;</p>	<p>and/or time limits on the ⇒ provision of legal and procedural information free of charge referred to in Article 19 and the ⇐ provision of free legal assistance and/or representation ☒ referred to in Article 20 ☒ , provided that such limits do not arbitrarily restrict access to ⇒ the provision of legal and procedural information and ⇐ legal assistance and/or representation;</p>
<p>(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in</p>	<p>(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in</p>	<p>(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in</p>	<p>(b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in</p>

matters pertaining to legal assistance.	matters pertaining to legal assistance.	matters pertaining to legal assistance.	matters pertaining to legal assistance.
<p>5. 6. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.</p>	<p>5. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.</p>	<p>5. 6. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.</p>	<p>5. 6. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.</p>
<p><i>Article 22</i></p>	<p><i>Article 22</i></p>	<p><i>Article 22</i></p>	<p>Parties in trilogue agree that the text below might be a good compromise</p> <p><i>Article 22</i></p>
<p>Right to legal assistance and representation at all stages of the procedure</p>	<p>Right to legal assistance and representation at all stages of the procedure</p>	<p>Right to legal assistance and representation at all stages of the procedure</p>	<p>Right to legal assistance and representation at all stages of the procedure</p>
<p>1. Member States shall allow Applicants applicants for asylum <input checked="" type="checkbox"/> shall be given <input type="checkbox"/> the opportunity, at their own</p>	<p>1. Applicants shall be given the opportunity to consult, at their own cost, in an effective manner a legal adviser or</p>	<p>1. Member States shall allow Applicants applicants for asylum <input checked="" type="checkbox"/> shall be given <input type="checkbox"/> the opportunity, at their own</p>	<p>1. Member States shall allow Applicants applicants for asylum <input checked="" type="checkbox"/> shall be given <input type="checkbox"/> the opportunity, at their own</p>

<p>cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .</p>	<p>other counsellor, admitted or permitted as such under national law, on matters relating to their applications for international protection, at all stages of the procedure, including following a negative decision.</p>	<p>cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .</p>	<p>cost, to consult ☒, at their own cost, ☒ in an effective manner a legal adviser or other counsellor, admitted or permitted as such under national law, on matters relating to their asylum applications ⇒ for international protection, at all stages of the procedure, including following a negative decision ⇐ .</p>
<p>2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.</p>	<p>2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V <i>in accordance with national law</i>.</p>	<p>2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V.</p>	<p>2. Member States may allow non-governmental organisations to provide legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and Chapter V in accordance with national law.</p>

<p style="text-align: center;"><i>Article <u>23</u> 46</i></p>	<p style="text-align: center;"><i>Article <u>23</u></i></p>	<p style="text-align: center;"><i>Article <u>23</u> 46</i></p>	<p style="text-align: center;"><u>Parties in trilogue agree that the text below might be a good compromise</u></p> <p style="text-align: center;"><i>Article <u>23</u> 46</i></p>
<p style="text-align: center;">Scope of legal assistance and representation</p>	<p style="text-align: center;">Scope of legal assistance and representation</p>	<p style="text-align: center;">Scope of legal assistance and representation</p>	<p style="text-align: center;">Scope of legal assistance and representation</p>
<p>1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is</p>	<p>1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection under the terms of national law, shall enjoy access to the information in the applicant's file upon which a decision is or will be made.</p>	<p>1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is</p>	<p>1. Member States shall ensure that a legal adviser or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection asylum under the terms of national law, shall enjoy access to the such information in the applicant's file upon which a decision is or will be made as is liable to be examined by the authorities referred to in Chapter V, insofar as the information is</p>

<p>relevant to the examination of the application.</p>		<p>relevant to the examination of the application.</p>	<p>relevant to the examination of the application.</p>
<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for of</u> ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: <☒</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications for international protection by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, Member States shall:</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for of</u> ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: <☒</p>	<p>Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications <u>for of</u> ⇒ international protection ⇐ asylum by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, ☒ Member States shall: <☒</p>
<p>(a) grant access to the information or</p>	<p>(a) grant access to the information or</p>	<p>(a) ⇒ make access to the information or</p>	<p>(a) ⇒ make access to the information or</p>

<p>sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection;</p>	<p>sources in question to a legal adviser or counsellor who has undergone a security check or, at least, to specialised services of the State that are allowed under national law to represent the applicant for this specific purpose, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection;</p>	<p>sources in question available to the authorities referred to in Chapter V; ☹ ☹ [...] ☹</p>	<p>sources in question available to the authorities referred to in Chapter V; ☹ ☹ [...] ☹, and</p>
<p>(b) ☒ make ☒ access to the information or sources in question shall be available to the authorities referred to in Chapter V, except where such access</p>	<p>(b) make access to the information or sources in question available to the authorities referred to in Chapter V.</p>	<p>(b) ☹ establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect, Member States</p>	<p>(b) ☹ establish in national law procedures guaranteeing that the applicant's rights of defence are respected. In this respect, Member States</p>

<p>is precluded in cases of national security.</p>		<p>may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ☹ ☞ [...] ☹;</p>	<p>may in particular grant access to the information or sources in question to a legal adviser or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection ☹ ☞ [...] ☹;</p>
<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇒ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with Article 10(4) and Article 18(2)(b) and (c) of Directive [...] /EU]</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇒ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of</p>	<p>2. Member States shall ensure that the legal adviser or other counsellor who assists or represents an applicant for asylum has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant ⇒ , in accordance with Article 10(4) and Article 18(2)(b) and (c) of</p>

<p>Directive [.../.../EU] [the Reception Conditions Directive] ↵. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>	<p>[the Reception Conditions Directive].</p>	<p>Directive [.../.../EU] [the Reception Conditions Directive] ↵. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>	<p>Directive [.../.../EU] [the Reception Conditions Directive] ↵. Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal adviser or other counsellor is not thereby severely limited or rendered impossible.</p>
<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law, <i>or a qualified professional.</i></p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p>	<p>3. Member States shall allow the applicant to bring to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.</p> <p>Member States may stipulate that the legal adviser or other</p>

			counsellor may only intervene at the end of the interview.
4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> 17(1)(b) .	4. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article 25(1)(b).	4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> 17(1)(b) .	4. 3. Member States may provide rules covering the presence of legal advisers or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article <u>25(1)(b)</u> 17(1)(b) .
4. Member States may provide that the applicant is allowed to bring with him/her to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.		4. Member States may provide that the applicant is allowed to bring with him/her to the personal interview a legal adviser or other counsellor admitted or permitted as such under national law.	
Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may	Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal adviser or counsellor, and may





<p>require the applicant to respond in person to the questions asked.</p>	<p>require the applicant to respond in person to the questions asked.</p>	<p>require the applicant to respond in person to the questions asked. ⇒ They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview. ☹</p>	<p>require the applicant to respond in person to the questions asked. ⇒ They may also stipulate that the legal adviser or other counsellor may only intervene at the end of the interview. ☹</p> <p><u>NB The Council addition in paragraph 4 was placed in white part of the Com proposal and is therefore transferred to paragraph 3.</u></p>
<p>The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ⇒ , without prejudice to Article 25(1)(b) ⇐.</p>	<p>The absence of a legal adviser or other counsellor shall not prevent the <i>determining</i> authority from conducting the personal interview with the applicant, without prejudice to Article 25(1)(b).</p>	<p>The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ⇒ , without prejudice to Article 25(1)(b) ⇐.</p>	<p>The absence of a legal adviser or other counsellor shall not prevent the competent authority from conducting the personal interview with the applicant ⇒ , without prejudice to Article 25(1)(b) ⇐.</p>

<p style="text-align: center;"><i>Article 24</i></p>	<p style="text-align: center;"><i>Article 24</i></p>	<p style="text-align: center;"><i>Article 24</i></p>	<p>Parties in trilogue agree that the <u>text for Article 24 below which is aligned with Article 22 RCD might be a good compromise.</u></p> <p style="text-align: center;"><i>Article 24</i></p>
<p style="text-align: center;">Applicants in need of special procedural guarantees</p>	<p style="text-align: center;">Applicants in need of special procedural guarantees</p>	<p style="text-align: center;">Applicants in need of special procedural guarantees</p>	<p style="text-align: center;">Applicants in need of special procedural guarantees</p>
<p>1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time. To that end, Member States may use the mechanism provided for in Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive].</p>	<p>1. Member States shall ensure that applicants in need of special procedural guarantees are identified in due time, <i>as soon as an application for international protection is lodged</i>. To that end, <i>Member States shall establish procedures in national law with a view to identifying whether the applicant has special needs and indicating the nature of such needs in accordance with Article 22 of Directive [...]/.../EU] (the Reception Conditions</i></p>	<p>1. [...] Member States shall endeavour to identify applicants in need of [...] special procedural guarantees before a first instance decision is taken. [...]]</p>	<p>1. [...] Member States shall endeavour to identify applicants in need of [...] special procedural guarantees before a first instance decision is taken. [...]]</p>

	<i>Directive</i>)].		
Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	Member States shall ensure that this Article also applies if it becomes apparent at a later stage in the procedure that an applicant is in need of special procedural guarantees.	☞ [...] ☞	☞ [...] ☞
2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available evidence.	2. Member States shall take appropriate measures to ensure that applicants in need of special procedural guarantees are granted sufficient time and relevant support to present the elements of their application as completely as possible and with all available evidence. <u>Where needed, they shall be granted time extensions to enable them to submit evidence or take other necessary steps in the procedure.</u>	2. Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive ☞ ☞ [...] ☞ throughout ☞ the duration of ☞ the asylum procedure ☞ [...] ☞.	Member States shall ☞ ensure that ☞ [...] ☞ ☞ where applicants have been identified to be in need of special procedural guarantees, they are provided with adequate support in order to allow them to benefit from the rights and comply with the obligations of this Directive ☞ ☞ [...] ☞ throughout ☞ the duration of ☞ the asylum procedure ☞ [...] ☞.
			2. In order to effectively implement paragraph

			<p>1, Member States shall assess whether the applicant is an applicant with special procedural needs. Member States shall also indicate the nature of such needs.</p> <p>This assessment shall be initiated within a reasonable period of time after an application for international protection is made and may be integrated into existing national procedures. Member States shall ensure that these special procedural needs are also addressed, in accordance with this Directive, if they become apparent at a later stage of the procedure.</p> <p>Member States shall ensure that the support provided to applicants with special procedural</p>
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			needs takes into account their special procedural needs throughout the duration of the asylum procedure and shall provide for appropriate monitoring of their situation.
			3. The assessment referred to in paragraph 2 need not take the form of an administrative procedure.
			4. The assessment provided for in paragraph 2 shall be without prejudice to the assessment of international protection needs pursuant to Directive 2011/95/EU.
In cases where the determining authority	In cases where the determining authority	☞ [...] ☜	☞ [...] ☜

<p>considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, Article 31(6) and Article 32(2) shall not apply.</p>	<p>considers that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, <u>the applicant shall be granted sufficient time and relevant support to prepare for a personal interview on the substance of his/her application. <i>Particular attention shall be given to those applicants who did not mention their sexual orientation at the outset.</i></u></p> <p>Article 31(6) and Article 32(2) shall not apply.</p>		
		 [...] 	 [...] 
	<p>3. <i>In accordance with the conditions laid down in Article 19 and 20 applicants with special needs shall enjoy free legal assistance in all procedures provided for in this Directive.</i></p>		

<i>Article 25 17</i>	<i>Article <u>25</u></i>	<i>Article 25 17</i>	Parties in the trilogue agree that <u>the suggestion below for Article 25 might be a good compromise.</u> However, EP insists on its amendment in paragraph 4. Article 25 17
Guarantees for unaccompanied minors	Guarantees for unaccompanied minors	Guarantees for unaccompanied minors	Guarantees for unaccompanied minors
1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ and 17 12 and 14 , Member States shall:	1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles 14, 15, 16, and 17, Member States shall:	1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ and 17 12 and 14 , Member States shall:	1. With respect to all procedures provided for in this Directive and without prejudice to the provisions of Articles <u>14</u> ⇒ , 15, 16, ⇐ and 17 12 and 14 , Member States shall
(a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit	(a) immediately take measures █ to ensure that a representative represents and assists the unaccompanied minor to enable him/her to benefit from the rights and comply with the	(a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit	(a) ☒ take measures ☒ as soon as possible take measures to ensure that a representative represents and or assists the unaccompanied minor ⇒ to enable him/her to benefit

<p>from the rights and comply with the obligations provided for in this Directive ↔ with respect to the examination of the application. ⇒ The representative shall have the necessary expertise in the field of childcare and shall perform his/her duties in accordance with the principle of the best interests of the child. ↔</p> <p>⊗ The ⊗ This representative can also be the representative referred to in <u>Directive [...]/.../EU [the Reception Conditions Directive] Article 19 of Directive 2003/9/EC of 27 January 2003</u></p>	<p>obligations provided for in this Directive. <i>The unaccompanied minor shall be informed immediately of the appointment of the representative. In order to establish a level of trust with the unaccompanied minor and to ensure continuity during the procedure, Member States shall ensure that the same representative is responsible for the unaccompanied minor, if possible during the entire procedure.</i></p> <p>The representative shall <i>be independent and impartial</i>, have the necessary expertise</p>	<p>from the rights and comply with the obligations provided for in this Directive ↔ with respect to the examination of the application. ⇒ The representative ⇒ [...] perform his/her duties in accordance with the principle of the best interests of the child ⇒ and shall have the necessary expertise to that end ↔.</p> <p>⊗ The ⊗ This representative can also be the representative referred to in <u>Directive [...]/.../EU [the Reception Conditions Directive] Article 19 of Directive 2003/9/EC of 27 January 2003</u></p>	<p>from the rights and comply with the obligations provided for in this Directive ↔ with respect to the examination of the application. ⇒ The unaccompanied minor shall be informed immediately of the appointment of the representative. The representative shall ⇒ [...] perform his/her duties in accordance with the principle of the best interests of the child ⇒ and shall have the necessary expertise to that end ↔. The person acting as representative shall only be changed when necessary. Organisations or</p>
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<p><u>laying down minimum standards for the reception of asylum seekers</u>¹;</p>	<p>in the field of childcare, <i>a basic knowledge in asylum procedure</i> and shall perform his/her duties in accordance with the principle of the best interests of the child. The representative can also be the representative referred to in Directive [.../.../EU] [the Reception Conditions Directive];</p>	<p><u>laying down minimum standards for the reception of asylum seekers</u>¹;</p>	<p>individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to become representatives. ← ☒ The ☒ This representative can also be the representative referred to in <u>Directive [.../.../EU] [the Reception Conditions Directive] Article 19 of Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers</u>²;</p> <p>Paragraph 1(a) is aligned with</p>
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¹ ~~OJ L 31, 6.2.2003, p. 18.~~

			<u>Article 24 RCD</u>
<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law are ⇐ to be present at that interview</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall ensure that a representative and/or a legal adviser or other counsellor admitted as such under national law or qualified professional are present at that</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law are ⇐ to be present at that interview</p>	<p>(b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall</p> <p>⇒ ensure that ⇐ allow ☒ a ☒ the representative ⇒ and/or a legal adviser or other counsellor admitted as such under national law are ⇐ to be present at that interview</p>

¹ [OJL 31, 6.2.2003, p. 18.](#)

² [OJL 31, 6.2.2003, p. 18.](#)

and ⇒ have an opportunity ⇐ to ask questions or make comments, within the framework set by the person who conducts the interview.	interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview.	and ⇒ have an opportunity ⇐ to ask questions or make comments, within the framework set by the person who conducts the interview.	and ⇒ have an opportunity ⇐ to ask questions or make comments, within the framework set by the person who conducts the interview.
Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.	Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.
2. Member States may refrain from appointing a representative where the unaccompanied minor=	█	2. Member States may refrain from appointing a representative where the unaccompanied minor= (a) will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is taken=or	2. Member States may refrain from appointing a representative where the unaccompanied minor= (a) will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is taken=or
(a) will in all likelihood reach the age of ⇒ 18 years ⇐ maturity before a decision at first instance is			

taken; or			
(b) can avail himself, free of charge, of a legal adviser or other counsellor, admitted as such under national law to fulfil the tasks assigned above to the representative; or		(b) can avail himself, free of charge, of a legal adviser or other counsellor, admitted as such under national law to fulfil the tasks assigned above to the representative; or	
(c) is married or has been married.		(c) is married or has been married.	
3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.		3. Member States may, in accordance with the laws and regulations in force on 1 December 2005, also refrain from appointing a representative where the unaccompanied minor is 16 years old or older, unless he/she is unable to pursue his/her application without a representative.	
3.4. Member States shall ensure that:	3. Member States shall ensure that:	3.4. Member States shall ensure that:	3.4. Member States shall ensure that:
(a) if an	(a) if an	(a) if an	(a) if an

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

<p>4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection status provided for in Chapter IV.</p>	<p>4. Unaccompanied minors, together with <i>their appointed</i> representative, shall be provided, free of charge, <i>with respect to all procedures provided for in this Directive,</i> with legal and <i>advice on procedural and legal aspects and representation.</i></p>	<p>4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection <input type="checkbox"/> [...] <input type="checkbox"/> provided for in Chapter IV.</p>	<p>4. Unaccompanied minors, together with the representative, shall be provided, free of charge, with legal and procedural information as referred to in Article 19 also for the procedures for the withdrawal of international protection <input type="checkbox"/> [...] <input type="checkbox"/> provided for in Chapter IV.</p>
<p>5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for <input type="checkbox"/> international protection <input type="checkbox"/> asylum <input type="checkbox"/> where, following general statements or other relevant evidence, Member States still have doubts concerning the applicant's age. If those doubts persist after the medical examination, Member States shall</p>	<p>5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection where, following general statements or other relevant evidence, Member States still have doubts concerning the applicant's age. If those doubts persist after the medical examination, Member States shall assume that the applicant</p>	<p>5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for <input type="checkbox"/> international protection <input type="checkbox"/> asylum <input type="checkbox"/> where, following general statements or other relevant <input type="checkbox"/> indications <input type="checkbox"/> <input type="checkbox"/> [...], Member States <input type="checkbox"/> [...] <input type="checkbox"/> have doubts concerning the applicant's age. If <input type="checkbox"/> [...] <input type="checkbox"/></p>	<p>5. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for <input type="checkbox"/> international protection <input type="checkbox"/> asylum <input type="checkbox"/> where, following general statements or other relevant <input type="checkbox"/> indications <input type="checkbox"/> <input type="checkbox"/> [...], Member States <input type="checkbox"/> [...] <input type="checkbox"/> have doubts concerning the applicant's age. If <input type="checkbox"/> [...] <input type="checkbox"/></p>

assume that the applicant is a minor ⇐.	is a minor.	⇨ thereafter ⇩ ⇨ [...] ⇩, Member States ⇨ are still in doubt concerning the applicant's age, they ⇩ shall assume that the applicant is a minor ⇐.	⇨ thereafter ⇩ ⇨ [...] ⇩, Member States ⇨ are still in doubt concerning the applicant's age, they ⇩ shall assume that the applicant is a minor ⇐.
Any medical examination shall be performed in full respect of the individual's dignity, selecting the less invasive examinations.	Any medical examination shall be performed in full respect of the individual's dignity, selecting <i>the most reliable and</i> the less invasive examinations <i>and carried out by qualified and impartial medical experts.</i>	Any medical examination shall be performed in full respect of the individual's dignity, selecting the ⇨ least ⇩ ⇨ [...] ⇩invasive ⇨ examination ⇩ ⇨ [...] ⇩.	Any medical examination shall be performed in full respect of the individual's dignity, selecting the ⇨ least ⇩ ⇨ [...] ⇩invasive ⇨ examination ⇩ ⇨ [...] ⇩and carried out by qualified medical professionals. <u>"Qualified medical professionals" is term already approved in Article 18 APD.</u>
In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:	In cases where medical examinations are used, Member States shall ensure that:
(a) unaccompanied minors are informed prior to the examination of	(a) unaccompanied minors are informed prior to the examination of	(a) unaccompanied minors are informed prior to the examination of	(a) unaccompanied minors are informed prior to the examination of

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

has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .	has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.	has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .	has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for ⇒ international protection ⇐ asylum .
6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	6. Article 20(3), Article 31(6), Article 32(2), Article 33(2)(c), Article 38, and Article 43 shall not apply to unaccompanied minors.	☞ [...] ☛	☞ [...] ☛ NB. EP insists on maintaining paragraph 6 of the Commission proposal.
7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.	7. 6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.
<i>Article 26 18</i>	<i>Article 26</i>	<i>Article 26 18</i>	
Detention	Detention	Detention	
1. Member States shall not hold a person in detention for the sole	1. Member States shall not hold a person in detention for the sole	1. Member States shall not hold a person in detention for the sole	

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

	<i>Article 26a</i>		
	<i>Detention of minors</i>		
	<i>The detention of minors shall be strictly prohibited in all circumstances.</i>		
<i>Article 27 19</i>	<i>Article 27</i>	<i>Article 27 19</i>	
Procedure in the the case of withdrawal of the application	Procedure in the case of withdrawal of the application	Procedure in the the case of withdrawal of the application	
1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority takes a decision to either discontinue the examination or reject the	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant explicitly withdraws his/her application for international protection, Member States shall ensure that the determining authority takes a decision to either discontinue the examination, and explain to the applicant	1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant for asylum explicitly withdraws his/her application for ⇒ international protection ⇐ asylum , Member States shall ensure that the determining authority takes a decision to either discontinue the examination or reject the	

application.	<i>the consequences of the withdrawal.</i>	application.	
2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.	
<i>Article 28 20</i>	<i>Article 28</i>	<i>Article 28 20</i>	
Procedure in the case of implicit withdrawal or abandonment of the application	Procedure in the case of implicit withdrawal or abandonment of the application	Procedure in the case of implicit withdrawal or abandonment of the application	
1. When there is reasonable cause to consider that an applicant for international protection ← asylum has implicitly withdrawn or abandoned his/her application for asylum , Member States shall ensure that the determining authority	1. When there is reasonable cause to consider that an applicant for international protection has implicitly withdrawn or abandoned his/her application without reasonable cause , Member States shall ensure that the determining authority	1. When there is reasonable cause to consider that an applicant for international protection ← asylum has implicitly withdrawn or abandoned his/her application for asylum , Member States shall ensure that the determining authority	

<p>takes a decision to either discontinue the examination or ⇨, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU] [the Qualification Directive] and further to a personal interview, ⇨ reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC.</p>	<p>takes a decision to either discontinue the examination or, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU] [the Qualification Directive] and further to a personal interview, reject the application, <i>if he/she in the addition to the above-mentioned reasons:</i></p> <ul style="list-style-type: none"> - <i>has refused to cooperate, or</i> - <i>has absconded illegally, or</i> - <i>in all likelihood has no right to international protection, or</i> - <i>originates from or has transited via a safe third country</i> 	<p>takes a decision to either discontinue the examination or ⇨, provided that the determining authority considers the application to be unfounded on the basis of an adequate examination of its substance in line with Article 4 of Directive [...]/.../EU] [the Qualification Directive] ⇨ [...] ⇨, ⇨ ⇨ [...] ⇨ reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC. ⇨ [...] ⇨</p>	
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	<i>in accordance with Article 38.</i>		
Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection \Leftarrow asylum in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection in particular when it is ascertained that:	Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection \Leftarrow asylum in particular when it is ascertained that:	
(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [.../.../EU] [the Qualification Directive] 2004/83/EC or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 \Rightarrow 16 \Leftarrow and 17 12, 13 and 14 \boxtimes of this Directive \boxtimes ,	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [.../.../EU] [the Qualification Directive] or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 of this Directive, unless the applicant demonstrates	(a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [.../.../EU] [the Qualification Directive] 2004/83/EC or has not appeared for an personal interview as provided for in Articles 14, 15, 16 and 17 \Rightarrow 16 \Leftarrow and 17 12, 13 and 14 \boxtimes of this Directive \boxtimes ,	

<p>unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/<u>her</u> control;</p>	<p>within a reasonable time that his/her failure was due to circumstances beyond his/her control;</p>	<p>unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his/<u>her</u> control;</p>	
<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.</p>	<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.</p>	<p>(b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.</p>	
<p>For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.</p>	<p>For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.</p>	<p>For the purposes of implementing these provisions, Member States may lay down time limits or guidelines.</p>	

<p>2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ unless the request is examined in accordance with Articles 32 and 34.</p>	<p>2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41. Only one request for a case to be reopened may be submitted during an asylum procedure.</p>	<p>2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened ⇒ or entitled to make a new application which shall not be subject to the procedure referred to in Articles 40 and 41 ⇐ unless the request is examined in accordance with Articles 32 and 34.</p>	
<p>Member States may provide for a time limit ⇒ of at least one year ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41 ⇐.</p>	<p>Member States may provide for a time limit ⇒ of at least 6 months ⇐ [...] ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41. ⇐</p>	<p>Member States may provide for a time limit ⇒ of at least 6 months ⇐ [...] ⇐ after which the applicant's case can no longer be re-opened ⇒ or the new application may be treated as a subsequent application and subject to the procedure referred to in Articles 40 and 41. ⇐</p>	

		<u>Member States may provide that the applicant's case may be reopened only once.</u> ☹	
Member States shall ensure that such a person is not removed contrary to the principle of <i>non-refoulement</i> .	Member States shall ensure that such a person is not removed contrary to the principle of <i>non-refoulement</i> .	Member States shall ensure that such a person is not removed contrary to the principle of <i>non-refoulement</i> .	
Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where it was discontinued.	Member States may allow the determining authority to take up the examination at the stage where the it was discontinued.	
3. This Article shall be without prejudice to Regulation (EU) No [.../...] [the Dublin Regulation].	3. This Article shall be without prejudice to Regulation (EU) No [.../...] [the Dublin Regulation].	☹ [...] ☹	
<i>Article 29 21</i>	<i>Article 29</i>	<i>Article 29 21</i>	
The role of UNHCR	The role of UNHCR	The role of UNHCR	
1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	1. Member States shall allow the UNHCR:	
(a) to have access to	(a) to have access to	(a) to have access to	

<p>applicants for ⇒ international protection ⇐ asylum, including those in detention ⇒ , at the border and ⇐ ⊗ in the ⊗ and in airport or port transit zones;</p>	<p>applicants for international protection, including those in detention, at the border and in the transit zones;</p>	<p>applicants for ⇒ international protection ⇐ asylum, including those in detention ⇒ , at the border and ⇐ ⊗ in the ⊗ and in airport or port transit zones;</p>	
<p>(b) to have access to information on individual applications for ⇒ international protection ⇐ asylum, on the course of the procedure and on the decisions taken, provided that the applicant for asylum agrees thereto;</p>	<p>(b) to have access to information on individual applications for international protection, on the course of the procedure and on the decisions taken, provided that the applicant agrees thereto;</p>	<p>(b) to have access to information on individual applications for ⇒ international protection ⇐ asylum, on the course of the procedure and on the decisions taken, provided that the applicant for asylum agrees thereto;</p>	
<p>(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva</p>	<p>(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva</p>	<p>(c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva</p>	

Convention, to any competent authorities regarding individual applications for ⇒ international protection ⇐ asylum at any stage of the procedure.	Convention, to any competent authorities regarding individual applications for international protection at any stage of the procedure.	Convention, to any competent authorities regarding individual applications for ⇒ international protection ⇐ asylum at any stage of the procedure.	
2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	2. Paragraph 1 shall also apply to an organisation which is working in the territory of the Member State concerned on behalf of the UNHCR pursuant to an agreement with that Member State.	
<i>Article <u>30</u> <u>22</u></i>	<i>Article <u>30</u></i>	<i>Article <u>30</u> <u>22</u></i>	
Collection of information on individual cases	Collection of information on individual cases	Collection of information on individual cases	
For the purposes of examining individual cases, Member States shall not:	For the purposes of examining individual cases, Member States shall not:	For the purposes of examining individual cases, Member States shall not:	
(a) directly disclose information regarding individual applications	(a) disclose information regarding individual applications for	(a) directly disclose information regarding individual applications	

<p>for ⇒ international protection ⇐ asylum, or the fact that an application has been made, to the alleged actor(s) of persecution ⇒ or serious harm ⇐ of the applicant for asylum;</p>	<p>international protection, or the fact that an application has been made, to the alleged actor(s) of persecution or serious harm;</p>	<p>for ⇒ international protection ⇐ asylum, or the fact that an application has been made, to the alleged actor(s) of persecution ⇒ or serious harm ⇐ of the applicant for asylum;</p>	
<p>(b) obtain any information from the alleged actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that an application has been made by the applicant in question, and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	<p>(b) obtain any information from the alleged actor(s) of persecution or serious harm in a manner that would result in such actor(s) being informed of the fact that an application has been made by the applicant in question, and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	<p>(b) obtain any information from the alleged actor(s) of persecution ⇒ or serious harm ⇐ in a manner that would result in such actor(s) being directly informed of the fact that an application has been made by the applicant in question, and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.</p>	

CHAPTER III	CHAPTER III	CHAPTER III	
PROCEDURES AT FIRST INSTANCE	PROCEDURES AT FIRST INSTANCE	PROCEDURES AT FIRST INSTANCE	
SECTION I	SECTION I	SECTION I	
<i>Article <u>31</u> 23</i>	<i>Article <u>31</u></i>	<i>Article <u>31</u> 23</i>	
Examination procedure	Examination procedure	Examination procedure	
1. Member States shall process applications for international protection ⇨ international protection ⇨ asylum in an examination procedure in accordance with the basic principles and guarantees of Chapter II.	1. Member States shall process applications for international protection in an examination procedure in accordance with the basic principles and guarantees of Chapter II.	1. Member States shall process applications for international protection ⇨ international protection ⇨ asylum in an examination procedure in accordance with the basic principles and guarantees of Chapter II.	
2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.	2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination ⇨ and	

		within six months after the application is lodged ☹.	
		☹ In cases in which an application is subject to the procedure laid down in Regulation (EU) [.../...] [the Dublin Regulation], the time limit of six months shall start to run from the moment the Member State responsible for its examination is determined in conformity with that Regulation, the applicant is on the territory of that Member State and has been taken in charge by the competent authority. ☹	
3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. Member States shall ensure that a procedure is concluded within six months after the application is lodged.	3. ☹ [...] ☹	
Member States may extend that time limit for a period not exceeding a	Member States may extend that time limit for a period not exceeding a	☹ [...] ☹ Member States may extend that ☹ ☹ [...] ☹	

further six months, where:	further six months, where:	<input type="checkbox"/> [...] <input type="checkbox"/> time limit <input type="checkbox"/> of six months <input type="checkbox"/> for a period not exceeding a further <input type="checkbox"/> twelve <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> months, where:	
(a) complex issues of fact and law are involved;	(a) complex issues of fact and law are involved;	(a) complex issues of fact and <input type="checkbox"/> /or <input type="checkbox"/> law are involved;	
(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within the six-month time-limit;	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within the six-month time-limit, <i>subject to the notification to the Commission</i> ;	(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it <input type="checkbox"/> very difficult <input type="checkbox"/> <input type="checkbox"/> [...] <input type="checkbox"/> in practice to conclude the procedure within the six-month time-limit;	<p>EP proposes to insert in the <u>Articles 6(4), 14(1) and 31(3) an obligation for MS to communicate certain information to the Commission.</u></p> <p><u>EP compromise suggestion:</u></p> <p>(b) a large number of third country nationals or stateless persons simultaneously request international protection which makes it impossible in practice to conclude the procedure within the six-month time-limit, <i>subject to the notification</i></p>

			<i>to communication to the Commission including the grounds for applying this exception;</i>
(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	(c) where the delay can clearly be attributed to the failure of the applicant to comply with his/her obligations under Article 13.	
Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.	.	Member States may postpone concluding the procedure where the determining authority cannot reasonably be expected to decide within the time limits laid down in this paragraph due to an uncertain situation in the country of origin which is expected to be temporary.	
<u>4.</u> Member States shall ensure that, where a decision cannot be taken	4. Member States shall ensure that, where a decision cannot be taken	<u>4.</u> Member States shall ensure that, where a decision cannot be taken	

within six months, the applicant concerned shall either:	within six months, the applicant concerned shall:	within six months, the applicant concerned shall either:	
(a) be informed of the delay; ⇒ and ⇐	(a) be informed of the delay; and	(a) be informed of the delay; ⇒ and ⇐	
(b) receive, upon his/her request, information on the ⇒ reasons for the delay and the ⇐ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant concerned to take a decision within that time frame.	(b) receive, upon his/her request, information on the reasons for the delay and the time-frame within which the decision on his/her application is to be expected.	(b) receive, upon his/her request, information on the ⇒ reasons for the delay and the ⇐ time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the Member State towards the applicant concerned to take a decision within that time frame.	
The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in	The consequences of failure to adopt a decision within the time limits laid down in paragraph 3 shall be determined in	○ [...] ○	

<p>accordance with national law.</p>	<p>accordance with national law.</p>		
<p>5. 3. Member States may prioritise or accelerate any an examination ⇒ of an application for international protection ⇐ in accordance with the basic principles and guarantees of Chapter II, including where the application is likely to be well founded or where the applicant has special needs.</p>	<p>5. The determining authorities may prioritise an examination of an application for international protection in accordance with the basic principles and guarantees of Chapter II:</p>	<p>5. 3. Member States may prioritise or accelerate any an examination ⇒ of an application for international protection ⇐ in accordance with the basic principles and guarantees of Chapter II, in particular, including where the application is likely to be well founded or where the applicant has special needs.</p>	
<p>(a) where the application is likely to be well founded;</p>	<p>(a) where the application is likely to be well founded;</p>	<p>(a) where the application is likely to be well founded;</p>	
<p>(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive], or is in</p>	<p>(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive], or is in</p>	<p>(b) where the applicant is vulnerable within the meaning of Article 22 of Directive [...]/.../EU] [the Reception Conditions Directive], or is in</p>	

<p>need of special procedural guarantees, in particular unaccompanied minors;</p>	<p>need of special procedural guarantees, in particular unaccompanied minors;</p>	<p>need of special procedural guarantees, in particular unaccompanied minors.</p>	
<p>(c) in other cases with the exception of applications referred to in paragraph 6.</p>	<p>(c) in other cases with the exception of applications referred to in paragraph 6.</p>	<p>☞ [...] ☜</p>	
<p>6. 4. Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with Article 43 ⇐ if:</p>	<p>6. Member States may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated and/or conducted at the border in accordance with Article 43 if:</p>	<p>6. 4. Member States may also provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be prioritised or accelerated ⇒ and/or conducted at the border in accordance with Article 43 ⇐ if:</p>	
<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal</p>	<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant to the examination of</p>	<p>(a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal</p>	

<p>relevance to the examination of whether he/she qualifies as a refugee ⇨ or a person eligible for subsidiary protection ⇨ by virtue of Directive [...]/.../EU] [the <u>Qualification Directive</u> <u>2004/83/EC</u>; or</p>	<p>whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU] [the <u>Qualification Directive</u>]; or</p>	<p>relevance to the examination of whether he/she qualifies as a refugee ⇨ or a person eligible for subsidiary protection ⇨ by virtue of Directive [...]/.../EU] [the <u>Qualification Directive</u> <u>2004/83/EC</u>; or</p>	
	<p><i>aa) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive [...]/.../EU] [the <u>Qualification Directive</u>]; or</i></p>		
<p>(b) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive <u>2004/83/EC</u>; or</p>		<p>(b) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive <u>2004/83/EC</u>; or</p>	

<p>(e) the application for asylum is considered to be unfounded;</p>		<p>(e) the application for asylum is considered to be unfounded;</p>	
<p>(b i) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u>, or</p>	<p>(b) the applicant is from a safe country of origin within the meaning of this Directive</p>	<p>(bi) because the applicant is from a safe country of origin within the meaning of <u>this Directive Articles 29, 30 and 31</u>, or</p>	
<p>(ii) because the country which is not a Member State, is considered to be a safe third country for the applicant, without prejudice to Article 28(1); or</p>		<p>(ii) because the country which is not a Member State, is considered to be a safe third country for the applicant, without prejudice to Article 28(1); or</p>	
<p>(c d) the applicant has misled the authorities by presenting false</p>	<p>(c) the applicant has misled the authorities by presenting false</p>	<p>(cd) the applicant has misled the authorities by presenting false</p>	

information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or	
		☞ [...] ☛	
(e) the applicant has filed another application for asylum stating other personal data; or		(e) the applicant has filed another application for asylum stating other personal data; or	
(d f) the applicant has not produced information establishing with a reasonable degree of certainty his/her identity or nationality; or it is likely that, in bad faith, ☒ the applicant ☒	(d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or	(d f) the applicant has not produced information establishing with a reasonable degree of certainty his/her identity or nationality; or it is likely that, in bad faith, ☒ the applicant ☒	

<p>he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or</p>		<p>he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or</p>	
<p>(e) the applicant has made inconsistent, contradictory, ⇒ clearly false or obviously improbable or insufficient representations ⇒ which contradict sufficiently verified country-of-origin information, ⇐ ⊗ thus making ⊗ which make his/her claim clearly unconvincing in relation to ⇒ whether he/she qualifies as a refugee or a person eligible for</p>	<p>(e) the applicant has made clearly false, inconsistent, contradictory or improbable, insufficient representations making his/her claim plainly unconvincing in relation to whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/EU [the Qualification Directive]; or</p>	<p>(e) the applicant has made clearly inconsistent and contradictory, ⇒ clearly false or obviously improbable or insufficient representations ⇒ which contradict sufficiently verified country-of-origin information, ⇐ ⊗ thus making ⊗ which make his/her claim clearly unconvincing in relation to ⇒ whether he/she</p>	

<p>subsidary protection by virtue of \Leftarrow his/her having being the object of persecution referred to in <u>Directive [...]/.../EU</u> [<u>the Qualification Directive</u>] <u>Directive 2004/83/EC</u>; or</p>		<p>qualifies as a refugee or a person eligible for subsidiary protection by virtue of \Leftarrow his/her having being the object of persecution referred to in <u>Directive [...]/.../EU</u> [<u>the Qualification Directive</u>] <u>Directive 2004/83/EC</u>; or</p>	
	<p>(g) <i>the applicant has submitted a subsequent application which clearly does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or</i></p>	<p>\Leftarrow (e1) The applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with <u>Article 40(5)</u>; or \Leftarrow</p>	
	<p>(h) <i>the applicant has failed without</i></p>		

	<i>reasonable cause to make his/her application earlier, having had opportunity to do so; or</i>		
(h) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or		(h) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or	
(i) the applicant has failed without reasonable cause to make his/her application earlier, having had opportunity to do so; or		(i) the applicant has failed without reasonable cause to make his/her application earlier, having had opportunity to do so; or	
(f 1) the applicant is making an application merely	(f) the applicant is making an application merely	(f 1) the applicant is making an application merely	

<p>in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or</p>	<p>in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or</p>	<p>in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or</p>	
<p>(k) the applicant has failed without good reason to comply with obligations referred to in Article 4(1) and (2) of Directive 2004/83/EC or in Articles 11(2)(a) and (b) and 20(1) of this Directive; or</p>		<p>(k) the applicant has failed without good reason to comply with obligations referred to in Article 4(1) and (2) of Directive 2004/83/EC or in Articles 11(2)(a) and (b) and 20(1) of this Directive; or</p>	
<p>(l) the applicant entered the territory of the Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities</p>		<p>(l) the applicant entered the territory of the Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities</p>	

<p>and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</p>		<p>and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</p>	
	<p>(j) <i>the applicant has failed without good reason to comply with his/her obligations to cooperate in the examination of the facts of his/her case and the establishment of his/her identity referred to in Article 4(1) and (2) of Directive [...]/EU [the Qualification Directive] or in Article 12(1) and (2)(a), (b) and (c) and Article 25(1) of this Directive; or</i></p>		
	<p>(k) <i>the applicant entered the territory of the</i></p>	<p>☞ (f1) <u>the applicant entered the territory of the</u></p>	

	<i>Member State unlawfully or extended his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</i>	<u>Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or</u> ☐	
		☐ (f2) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with Regulation (EU) [.../...] [EURODAC Regulation], or ☐	
(g m) the applicant ⇒ may for serious reasons be considered ⇐ is a danger to the national security or	(g) the applicant may for serious reasons be considered a danger to the national security of the Member	(g m) the applicant ⇒ may for serious reasons be considered ⇐ is a danger to the national security or	

<p>public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security ⊗ or ⊗ and public order under national law. or</p>	<p>State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.</p>	<p>public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security ⊗ or ⊗ and public order under national law. or</p>	
<p>(n) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with relevant Community and/or national legislation; or</p>		<p>(n) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with relevant Community and/or national legislation; or</p>	
<p>(e) the application was made by an unmarried minor to whom Article 6(4)(e) applies, after the application of the parents or parent responsible for the minor has been rejected and no</p>		<p>(e) the application was made by an unmarried minor to whom Article 6(4)(e) applies, after the application of the parents or parent responsible for the minor has been rejected and no</p>	

<p>relevant new elements were raised with respect to his/her particular circumstances or to the situation in his/her country of origin.</p>		<p>relevant new elements were raised with respect to his/her particular circumstances or to the situation in his/her country of origin.</p>	
<p>7. Member States shall lay down reasonable time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 which ensure adequate and complete examination.</p>	<p>7. Member States shall lay down reasonable time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 which ensure adequate and complete examination.</p>	<p>7. Member States ☞ may ☞ [...] ☞ lay down ☞ [...] ☞ time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6 ☞ [...] ☞. ☞ Those time limits shall be reasonable. ☞</p>	
<p>8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents or use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure at first</p>	<p>8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents <i>on entry</i> or <i>the</i> use of forged documents, shall not <i>per se</i> entail an automatic recourse to the procedure</p>	<p>8. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, ☞ [...] ☞ shall not <i>per se</i> entail an automatic recourse to the procedure at first instance pursuant to paragraph 6.</p>	

instance pursuant to paragraph 6.	at first instance pursuant to paragraph 6.		
Article 24		Article 24	
Specific procedures		Specific procedures	
1. Member States may provide for the following specific procedures derogating from the basic principles and guarantees of Chapter II:		1. Member States may provide for the following specific procedures derogating from the basic principles and guarantees of Chapter II:	
(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;		(a) a preliminary examination for the purposes of processing cases considered within the framework set out in Section IV;	
(b) procedures for the purposes of processing cases considered within the framework set out in Section V.		(b) procedures for the purposes of processing cases considered within the framework set out in Section V.	
2. Member States may also provide a derogation in		2. Member States may also provide a derogation in	

respect of Section VI.		respect of Section VI.	
<i>Article 32</i>	<i>Article 32</i>	<i>Article 32</i>	
Unfounded applications	Unfounded applications	Unfounded applications	
<p>1. Without prejudice to Articles 27 19 and 20, Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [...]/.../EU] <u>[the Qualification Directive]</u> 2004/83/EC.</p>	<p>1. Member States may only consider an application as unfounded if the determining authority has established that the applicant does not qualify for international protection pursuant to Directive [...]/.../EU] [the Qualification Directive].</p>	<p>1. Without prejudice to Articles 27 19 and 20, Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does not qualify for ⇒ international protection ⇐ refugee status pursuant to Directive [...]/.../EU] <u>[the Qualification Directive]</u> 2004/83/EC.</p>	
<p>2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article <u>31(6)</u> ⇒ (a) to (f) ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an</p>	<p>2. In cases of unfounded applications in which any of the circumstances listed in Article 31(6) (a) to (f) apply, Member States may also consider an application as manifestly unfounded, <u>following an adequate and complete</u></p>	<p>2. In the cases mentioned in Article 23(4)(b) and In in cases of unfounded applications for asylum in which any of the circumstances listed in Article <u>31(6)</u> ⇐ [...] ⇐ 23(4)(a) and (c) to (e) apply, Member States may also consider an</p>	

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

pursuant to this Article.		pursuant to this Article.	
2. Member States may consider an application for ⇒ international protection ⇐ asylum as inadmissible ⇒ only ⇐ pursuant to this Article if:	2. Member States may consider an application for international protection as inadmissible only if:	2. Member States may consider an application for ⇒ international protection ⇐ asylum as inadmissible ⇒ only ⇐ pursuant to this Article if:	
(a) another Member State has granted refugee status;	(a) another Member State has granted refugee status;	(a) another Member State has granted ⇒ international protection ⇐ ⇒ [...] ⇐;	
(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article <u>35</u> 26 ;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35;	(b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article <u>35</u> 26 ;	
(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article <u>38</u> 27 ;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38;	(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article <u>38</u> 27 ;	
(d) the applicant is allowed to remain	d) the application is a subsequent	(d) the applicant is allowed to remain	

<p>in the Member State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;</p>	<p>application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/EU [the Qualification Directive] have arisen or have been presented by the applicant ;</p>	<p>in the Member State concerned on some other grounds and as result of this he/she has been granted a status equivalent to the rights and benefits of the refugee status by virtue of Directive 2004/83/EC;</p>	
<p>(c) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);</p>		<p>(c) the applicant is allowed to remain in the territory of the Member State concerned on some other grounds which protect him/her against refoulement pending the outcome of a procedure for the determination of status pursuant to point (d);</p>	

<p>(d) ⇒ the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;</p>		<p>(d) ⇒ the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant ⇐ the applicant has lodged an identical application after a final decision;</p>	
<p>(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(3) consented to have his/her case be part of an application</p>	<p>(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article 7(2) consented to have his/her case be part of an application</p>	<p>(e) a dependant of the applicant lodges an application, after he/she has in accordance with Article <u>7(2)</u> 6(3) consented to have his/her case be part of an application</p>	

made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.	
<i>Article 34</i>	<i>Article 34</i>	<i>Article 34</i>	<u>Presidency suggestion.</u> <i>Article 34</i>
Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview	Special rules on an admissibility interview
1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, <i>the determining authority</i> shall conduct a personal interview on the admissibility of the	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member	1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 33 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, Member States shall conduct a personal interview on the admissibility of the application. Member

<p>States may make an exception only in accordance with Article 42 in the case of a subsequent application.</p>	<p>application. Member States may make an exception only in accordance with Article 42 in the case of a subsequent application.</p>	<p>States may make an exception only in accordance with Article 42 in the case of a subsequent application.</p>	<p>States may make an exception only in accordance with Article 42 in the case of a subsequent application.</p>
			<p>2. Member States may provide that the personnel of other authorities than the determining authority conducts the personal interview on the admissibility of the application for international protection. In such cases, Member States shall ensure that the personnel of those authorities who conduct the interview receive in advance the necessary basic training in particular with respect to international human rights law, the EU asylum acquis and interview techniques.</p>
<p>2. Paragraph 1 shall be</p>	<p>2. Paragraph 1 shall be</p>	<p>☞ [...] ☞</p>	<p>☞ [...] ☞</p>

without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].	without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].		
3. Member States shall ensure that the person who conducts the interview on the admissibility of the application does not wear a military or law enforcement uniform.	3. Member States shall ensure that the <i>member of staff of the determining authority</i> who conducts the interview on the admissibility of the application does not wear a uniform		⇒ [...] ⇐
SECTION III	SECTION III	SECTION III	
<i>Article 35 26</i>	<i>Article 35</i>	<i>Article 35 26</i>	
The concept of first country of asylum	The concept of first country of asylum	The concept of first country of asylum	
A country can be considered to be a first country of asylum for a particular applicant for international protection ⇐ asylum if:	A country can be considered to be a first country of asylum for a particular applicant for international protection if:	A country can be considered to be a first country of asylum for a particular applicant for international protection ⇐ asylum if:	
(a) he/she has been recognised in that	(a) he/she has been recognised in that	(a) he/she has been recognised in that	

country as a refugee and he/she can still avail himself/herself of that protection, or	country as a refugee and he/she can still avail himself/herself of that protection, or	country as a refugee and he/she can still avail himself/herself of that protection, or	
(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement,	(b) he/she otherwise enjoys <i>effective</i> protection in that country, including benefiting from the principle of non-refoulement,	(b) he/she otherwise enjoys sufficient protection in that country, including benefiting from the principle of non-refoulement,	
provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	provided that he/she will be re-admitted to that country.	
In applying the concept of first country of asylum to the particular circumstances of an applicant for ⇒ international protection ⇐ asylum, Member States may take into account Article 38(1) 27(1) . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	In applying the concept of first country of asylum to the particular circumstances of an applicant for international protection, Member States <i>shall</i> take into account Article 38(1). The applicant shall be allowed to challenge the application of the first country of asylum concept <i>on the grounds that the first country of asylum in question is not safe in his or her particular case.</i>	In applying the concept of first country of asylum to the particular circumstances of an applicant for ⇒ international protection ⇐ asylum, Member States may take into account Article 38(1) 27(1) . ⇒ The applicant shall be allowed to challenge the application of the first country of asylum concept in his/her particular circumstances. ⇐	


<i>Article 27</i>		☞ [...] ☞	
The safe third country concept			
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking asylum will be treated in accordance with the following principles in the third country concerned:			
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;			
(b) the principle of non-refoulement in accordance with the Geneva Convention is			

respected;			
(e) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and			
(d) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.			
2. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:			
(a) rules requiring a connection			

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

generally safe;			
<p>(e) rules in accordance with international law, allowing an individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment.</p>			
<p>3. When implementing a decision solely based on this Article, Member States shall:</p>			
<p>(a) inform the</p>			

applicant accordingly; and			
(b) provide him/her with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.			
4. Where the third country does not permit the applicant for asylum to enter its territory, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.			
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this			

Article			
Article 28			
Unfounded applications			
1. Without prejudice to Articles 19 and 20, Member States may only consider an application for asylum as unfounded if the determining authority has established that the applicant does not qualify for refugee status pursuant to Directive 2004/83/EC.			
2. In the cases mentioned in Article 23(4)(b) and in cases of unfounded applications for asylum in which any of the circumstances listed in Article 23(4)(a) and (c) to (e) apply, Member States may also consider an application as manifestly unfounded, where it is defined as such in the national			

legislation.			
Article 29		⌋ [...] ⌋	
Minimum common list of third countries regarded as safe countries of origin			
1. The Council shall, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt a minimum common list of third countries which shall be regarded by Member States as safe countries of origin in accordance with Annex II.			
2. The Council may, acting by a qualified majority on a proposal from the Commission and after consultation of the European Parliament, amend the minimum common list by adding			

<p>or removing third countries, in accordance with Annex II. The Commission shall examine any request made by the Council or by a Member State to submit a proposal to amend the minimum common list.</p>			
<p>3. When making its proposal under paragraphs 1 or 2, the Commission shall make use of information from the Member States, its own information and, where necessary, information from UNHCR, the Council of Europe and other relevant international organisations.</p>			
<p>4. Where the Council requests the Commission to submit a proposal for removing a third country from the minimum common list, the obligation of Member States pursuant to</p>			

<p>Article 31(2) shall be suspended with regard to this third country as of the day following the Council decision requesting such a submission.</p>			
<p>5. Where a Member State requests the Commission to submit a proposal to the Council for removing a third country from the minimum common list, that Member State shall notify the Council in writing of the request made to the Commission. The obligation of this Member State pursuant to Article 31(2) shall be suspended with regard to the third country as of the day following the notification to the Council.</p>			
<p>6. The European Parliament shall be informed of the suspensions under paragraphs 4 and 5.</p>			

<p>7. The suspensions under paragraphs 4 and 5 shall end after three months, unless the Commission makes a proposal before the end of this period, to withdraw the third country from the minimum common list. The suspensions shall in any case end where the Council rejects a proposal by the Commission to withdraw the third country from the list.</p>			
<p>8. Upon request by the Council, the Commission shall report to the European Parliament and the Council on whether the situation of a country on the minimum common list is still in conformity with Annex II. When presenting its report, the Commission may make such recommendations or proposals as it deems appropriate.</p>			

<i>Article 30</i>			
National designation of third countries as safe countries of origin			
1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex II, for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for asylum. This may include designation of part of a country as safe where the conditions in Annex II are fulfilled in relation to that part.			
2. By derogation from paragraph 1, Member States may retain legislation in force on 1 December 2005 that			

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

<p>persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>			
<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>			
<p>5. The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, the UNHCR, the Council of Europe and other relevant international organisations.</p>			

<p>6. Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.</p>			
<p><i>Article 36 31</i></p>		<p><i>Article 36 31</i></p>	
<p>The safe country of origin concept</p>		<p>The safe country of origin concept</p>	
<p>1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant for asylum for asylum only if:</p>		<p>1. A third country designated as a safe country of origin in accordance with <input checked="" type="checkbox"/> this Directive <input checked="" type="checkbox"/> either Article 29 or 30 may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant for asylum for asylum only if:</p>	
<p>(a) he/she has the nationality of that country; or</p>		<p>(a) he/she has the nationality of that country; or</p>	

<p>(b) he/she is a stateless person and was formerly habitually resident in that country;</p>	<p>█</p>	<p>(b) he/she is a stateless person and was formerly habitually resident in that country;</p>	
<p>and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive [...]/.../EU] [the Qualification Directive] 2004/83/EC.</p>	<p>█</p>	<p>and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee ⇒ or a person eligible for subsidiary protection ⇐ in accordance with Directive [...]/.../EU] [the Qualification Directive] 2004/83/EC.</p>	
<p>2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.</p>		<p>2. Member States shall, in accordance with paragraph 1, consider the application for asylum as unfounded where the third country is designated as safe pursuant to Article 29.</p>	

<p>2. 3. Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.</p>	<p>█</p>	<p>2. 3. Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.</p>	
<p><i>Article 37</i></p>	<p>█</p>	<p><i>Article 37</i></p>	
<p>National designation of third countries as safe countries of origin</p>	<p>█</p>	<p>National designation of third countries as safe countries of origin</p>	
<p>1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex I H, for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a</p>	<p>█</p>	<p>1. Without prejudice to Article 29, Member States may retain or introduce legislation that allows, in accordance with Annex IH, for the national designation of third countries other than those appearing on the minimum common list, as safe countries of origin for the purposes of examining applications for ⇒ international protection ⇐ asylum. This may include designation of part of a</p>	

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

<p>3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>		<p>3. Member States may also retain legislation in force on 1 December 2005 that allows for the national designation of part of a country as safe, or a country or part of a country as safe for a specified group of persons in that country, where the conditions in paragraph 2 are fulfilled in relation to that part or group.</p>	
<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>		<p>4. In assessing whether a country is a safe country of origin in accordance with paragraphs 2 and 3, Member States shall have regard to the legal situation, the application of the law and the general political circumstances in the third country concerned.</p>	
<p>2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with</p>		<p>2. Member States shall ensure a regular review of the situation in third countries designated as safe in accordance with</p>	

this Article.		this Article.	
<p><u>3. 5.</u> The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇒ the European Asylum Support Office, ⇐ the UNHCR, the Council of Europe and other relevant international organisations.</p>		<p><u>3.5.</u> The assessment of whether a country is a safe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, ⇒ the European Asylum Support Office, ⇐ the UNHCR, the Council of Europe and other relevant international organisations.</p>	
<p><u>4. 6.</u> Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.</p>		<p><u>4.6.</u> Member States shall notify to the Commission the countries that are designated as safe countries of origin in accordance with this Article.</p>	

<i>Article 38</i>	<i>Article 38</i>	<i>Article 38</i>	
The safe third country concept	The safe third country concept [First deleted, but reintroduced under European safe third country concept (old Article 37)]	The safe third country concept	
1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	1. <i>A third country may only be considered as a safe third country where</i> a person seeking international protection will be treated in accordance with the following principles and conditions in the third country concerned:	1. Member States may apply the safe third country concept only where the competent authorities are satisfied that a person seeking ⇒ international protection ⇐ asylum will be treated in accordance with the following principles in the third country concerned:	
(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;	
(b) there is no risk of	(b) there is no risk of	(b) there is no risk of	

serious harm as defined in Directive [...]/.../EU] [the Qualification Directive];	serious harm as defined in Directive [...]/.../EU] [the Qualification Directive];	serious harm as defined in Directive [...]/.../EU] [the Qualification Directive];	
(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;	(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;	(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;	
(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and	(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected;	(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and	
(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with	(e) the possibility exists to request refugee status <i>or another complementary form of protection comparable to that</i>	(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with	

the Geneva Convention.	<i>granted under Directive [...]/.../EU] [the Qualification Directive] and, if granted such status or protection, to receive protection comparable to that afforded under that Directive;</i>	the Geneva Convention.	
	<i>(f) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</i>		
	<i>(g) it has in place an asylum procedure prescribed by law; and</i>		
	<i>(h) it has been so designated by the European Parliament and the Council in accordance with paragraph 2.</i>		

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

<p>person to go to that country;</p>	<p>country;</p>	<p>person to go to that country;</p>	
<p>(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be generally safe;</p>	<p>(b) methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant ;</p>	<p>(b) rules on the methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant and/or national designation of countries considered to be generally safe;</p>	
<p>(c) rules in accordance with international law, allowing an individual examination of</p>	<p>(c) rules in accordance with international law, allowing an individual examination of</p>	<p>(c) rules in accordance with international law, allowing an individual examination of</p>	

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

basic principles and guarantees described in Chapter II.		basic principles and guarantees described in Chapter II.	
5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	█	5. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.	
	6. <i>Member States shall not designate national lists of safe countries of origin or national lists of safe third countries.</i>		
<i>Article 39</i>	<i>Article 39</i>	<i>Article 39</i>	
<u>The European safe third country countries</u> concept	█	<u>The European safe third country countries</u> concept	
1. Member States may provide that no, or no full, examination of the asylum application for ⇒ international protection ⇐ and of the safety of the applicant in his/her particular	█	1. Member States may provide that no, or no full, examination of the asylum application for ⇒ international protection ⇐ and of the safety of the applicant in his/her particular	

<p>circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>		<p>circumstances as described in Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum ⇒ international protection ⇐ is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>	
<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>	<p>█</p>	<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>	
<p>(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</p>	<p>█</p>	<p>(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</p>	
<p>(b) it has in place an asylum procedure prescribed by law;</p>	<p>█</p>	<p>(b) it has in place an asylum procedure prescribed by law;</p>	

<u>and</u>		<u>and</u>	
(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; and		(c) it has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; and	
(d) it has been so designated by the Council in accordance with paragraph 3.		(d) it has been so designated by the Council in accordance with paragraph 3.	
3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the		3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the	

purposes of paragraph 1.		purposes of paragraph 1.	
<u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention , including providing for exceptions from the application of this Article for humanitarian or political reasons or for reasons of public international law.		<u>43.</u> The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention , including providing for exceptions from the application of this Article for humanitarian or political reasons or for reasons of public international law.	
<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:		<u>54.</u> When implementing a decision solely based on this Article, the Member States concerned shall:	
(a) inform the applicant accordingly; and		(a) inform the applicant accordingly; and	
(b) provide him/her		(b) provide him/her	

<p>with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.</p>		<p>with a document informing the authorities of the third country, in the language of that country, that the application has not been examined in substance.</p>	
<p>65. Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.</p>	<p>█</p>	<p>65. Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.</p>	
<p>6. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.</p>	<p>█</p>	<p>6. Member States shall inform the Commission periodically of the countries to which this concept is applied in accordance with the provisions of this Article.</p>	
<p>7. Member States which have designated third countries as safe</p>		<p>7. Member States which have designated third countries as safe</p>	

<p>countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.</p>		<p>countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.</p>	
SECTION IV	SECTION IV	SECTION IV	
<i>Article 40 <u>32</u></i>	<i>Article 40</i>	<i>Article 40 <u>32</u></i>	
Subsequent application	Subsequent application	Subsequent application	
<p>1. Where a person who has applied for ⇒ international protection ⇐ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇐ may examine these further representations or the elements of the</p>	<p>1. Where a person who has applied for international protection in a Member State makes further representations or a subsequent application in the same Member State, that Member State shall examine these further representations or the elements of the subsequent application in the framework of the</p>	<p>1. Where a person who has applied for ⇒ international protection ⇐ asylum in a Member State makes further representations or a subsequent application in the same Member State, that Member State ⇒ shall ⇐ may examine these further representations or the elements of the</p>	

<p>subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements underlying the further representations or subsequent application within this framework.</p>	<p>examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the <i>determining authority</i> can take into account and consider all the elements underlying the further representations or subsequent application within this framework.</p>	<p>subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the competent authorities can take into account and consider all the elements underlying the further representations or subsequent application within this framework.</p>	
<p>2. Moreover, Member States may apply a specific procedure as referred to in paragraph 3, where a person makes a subsequent application for asylum.</p>		<p>2. Moreover, Member States may apply a specific procedure as referred to in paragraph 3, where a person makes a subsequent application for asylum.</p>	
<p>(a) after his/her previous application has been withdrawn or abandoned by virtue of Articles 19 or 20;</p>		<p>(a) after his/her previous application has been withdrawn or abandoned by virtue of Articles 19 or 20;</p>	

<p>(b) after a decision has been taken on the previous application. Member States may also decide to apply this procedure only after a final decision has been taken.</p>		<p>(b) after a decision has been taken on the previous application. Member States may also decide to apply this procedure only after a final decision has been taken.</p>	
<p>2. <u>3</u> ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ↔ a <u>A</u> subsequent application for ⇒ international protection ↔ asylum shall be subject first to a preliminary examination as to whether, after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or</p>	<p>2. For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), <u>Member States may apply a specific procedure as referred to in paragraph 3 of this Article, where a person makes a subsequent application for international protection:</u></p>	<p>2. <u>3</u> ⇒ For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 33(2)(d), ↔ a <u>A</u> subsequent application for ⇒ international protection ↔ asylum shall be subject first to a preliminary examination as to whether, after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) of this Article on this application has been reached, new elements or</p>	

<p>findings ☒ have arisen or have been presented by the applicant which relate ☒ relating to the examination of whether ☒ the applicant ☒ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ⇐ by virtue of Directive [.../.../EU] [the Qualification Directive] 2004/83/EC have arisen or have been presented by the applicant.</p>		<p>findings ☒ have arisen or have been presented by the applicant which relate ☒ relating to the examination of whether ☒ the applicant ☒ he/she qualifies as a refugee ⇒ or a person eligible for subsidiary protection ⇐ by virtue of Directive [.../.../EU] [the Qualification Directive] 2004/83/EC have arisen or have been presented by the applicant.</p>	
	<p>(a) <u>after his/her previous application has been withdrawn by virtue of Article 27;</u></p>		
	<p>(b) <u>after a final decision has been taken on the previous application.</u></p>		
	<p>A subsequent application for international protection shall be subject first to a preliminary examination as to whether, <u>after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) on</u></p>		

	<p><u>this application has been reached</u>, new elements or findings have arisen or have been presented by the applicant which relate to the examination of whether the applicant qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [.../.../EU] [the Qualification Directive].</p>		
<p>3. 4. If, following the preliminary examination referred to in paragraph 2 3 of this Article <input checked="" type="checkbox"/> concludes that <input checked="" type="checkbox"/> new elements or findings <input checked="" type="checkbox"/> have <input checked="" type="checkbox"/> arisen or <input checked="" type="checkbox"/> been <input checked="" type="checkbox"/> are presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee ⇨ or a person eligible for subsidiary protection ⇩ by virtue of Directive <input checked="" type="checkbox"/> [.../.../EU] [the Qualification Directive] <input checked="" type="checkbox"/> 2004/83/EC, the application shall be further examined in conformity with</p>	<p>3. If the preliminary examination referred to in paragraph 2 concludes that new elements or findings have arisen or been presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee or a person eligible for subsidiary protection by virtue of Directive [.../.../EU] [the Qualification Directive], the application shall be further examined in conformity with Chapter II.</p>	<p>3. 4. If, following the preliminary examination referred to in paragraph 2 3 of this Article <input checked="" type="checkbox"/> concludes that <input checked="" type="checkbox"/> new elements or findings <input checked="" type="checkbox"/> have <input checked="" type="checkbox"/> arisen or <input checked="" type="checkbox"/> been <input checked="" type="checkbox"/> are presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee ⇨ or a person eligible for subsidiary protection ⇩ by virtue of Directive <input checked="" type="checkbox"/> [.../.../EU] [the Qualification Directive] <input checked="" type="checkbox"/> 2004/83/EC, the application shall be further examined in conformity with</p>	

Chapter II. ☒ Member States may also provide for other reasons for a subsequent application to be further examined. ☒		Chapter II. ☒ Member States may also provide for other reasons for a subsequent application to be further examined. ☒	
	Member States may also provide for other reasons for a subsequent application to be further examined.		
5. Member States may, in accordance with national legislation, further examine a subsequent application where there are other reasons why a procedure has to be re-opened.		5. Member States may, in accordance with national legislation, further examine a subsequent application where there are other reasons why a procedure has to be re-opened.	
<u>4. 6.</u> Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs <u>2 and 3</u> 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy	■	<u>4. 6.</u> Member States may decide to further examine the application only if the applicant concerned was, through no fault of his/her own, incapable of asserting the situations set forth in paragraphs <u>2 and 3</u> 3, 4 and 5 of this Article in the previous procedure, in particular by exercising his/her right to an effective remedy	

pursuant to Article <u>46</u> <u>39</u> .		pursuant to Article <u>46</u> <u>39</u> .	
5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).		5. When a subsequent application is not further examined pursuant to this Article, it shall be considered inadmissible, in accordance with Article 33(2)(d).	
<u>6. 7.</u> The procedure referred to in this Article may also be applicable in the case of:	6. The procedure referred to in this Article may also be applicable in the case of:	<u>6.7.</u> The procedure referred to in this Article may also be applicable in the case of:	
(a) a dependant who lodges an application after he/she has, in accordance with Article <u>7(2) 6(3)</u> , consented to have his/her case be part of an application made on his/her behalf ⇒ , and/or ⇐	(a) a dependant who lodges an application after he/she has, in accordance with Article 7(2), consented to have his/her case be part of an application made on his/her behalf,	(a) a dependant who lodges an application after he/she has, in accordance with Article <u>7(2) 6(3)</u> , consented to have his/her case be part of an application made on his/her behalf ⇒ , and/or ⇐	
(b) ⇒ an unmarried minor who lodges an application after an application has		(b) ⇒ an unmarried minor who lodges an application after an application has	

<p>been made on his/her behalf pursuant to Article 7(5)(c) ⇐ .</p>		<p>been made on his/her behalf pursuant to Article 7(5)(c) ⇐ .</p>	
<p>In ⇐ those cases ⇐ this case, the preliminary examination referred to in paragraph 2 3 of this Article will consist of examining whether there are facts relating to the dependant's ⇐ or the unmarried minor's ⇐ situation which justify a separate application.</p>	<p>In those cases, the preliminary examination referred to in paragraph 2 will consist of examining whether there are facts relating to the dependant's situation which justifies a separate application.</p>	<p>In ⇐ those cases ⇐ this case, the preliminary examination referred to in paragraph 2 3 of this Article will consist of examining whether there are facts relating to the dependant's ⇐ or the unmarried minor's ⇐ situation which justify a separate application.</p>	
<p>7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [.../...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in</p>	<p>7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [.../...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in</p>	<p>⇐ [...] ⇐ ⇐ 7. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU)[.../...][the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in</p>	

Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive.	Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive.	Regulation (EU) [...] [the Dublin Regulation], in accordance with this Directive. ☹	
Article 41	Article 41	Article 41	
Specific rules following the rejection or inadmissibility of a subsequent application	Specific rules following the rejection or inadmissibility of a subsequent application	☹ [...] ☹ ☹ Exceptions from the right to remain in case ☹ of ☹ [...] ☹ subsequent applications ☹ ☹ [...] ☹	
Where a person makes a new application for international protection in the same Member State after a final decision to consider an application inadmissible pursuant to Article 40(5) or after a final decision to reject a previous subsequent application as unfounded, Member States may do any of the following:	Where <i>after the procedure relating to the initial application has been terminated pursuant to paragraph Article 40 (2)</i> , a person makes a new application for international protection in the same Member State before a return decision has been enforced, <i>and that new application does not lead to a further examination pursuant to Article 40</i> , Member States may do any of the following:	☹ 1. Member States may make an exception from the right to remain in the territory where a person:	
(a) make an exception to the right to remain in the territory, provided the determining authority is satisfied that a return decision will not lead to	(a) make an exception to the right to remain in the territory, provided the determining authority is satisfied that a return decision will not lead to	(a) has made a first subsequent application, which is not further examined pursuant to Article 40(5).	

<p>direct or indirect refoulement in violation of international and Union obligations of that Member State,</p>	<p>direct or indirect refoulement in violation of international and Union obligations of that Member State,</p>	<p><u>merely in order to delay or frustrate the enforcement of a decision which would result in his/her imminent removal from that Member State, or</u></p>	
	<p>(aa) <u>provide that the application be subjected to the admissibility procedure in accordance with this Article and Article 30; and/or</u></p>		
<p>(b) <u>provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in such case, Member States may also derogate from the time limits normally applicable in accelerated procedures, in accordance with national legislation,</u></p>	<p>(b) <u>provide that the examination procedure be accelerated in accordance with Article 31(6)(f); in cases referred to in points (aa) and (c), Member States may also derogate from the time limits normally applicable in the admissibility and/or accelerated procedures, in accordance with national legislation,</u></p>	<p>(b) <u>makes another request for international protection in the same Member State, following a final decision to consider a first subsequent application inadmissible pursuant to Article 40(5) or after a final decision to reject that application as unfounded,</u></p>	

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

		<p>accelerated procedures, in accordance with national legislation ☞, when the examination procedure is accelerated in accordance with Article 31(6)(f); ☞ ☞ and/or ☞,</p>	
		<p>(☞ (b) ☞ ☞ [...] ☞) derogate from the time limits normally applicable to admissibility procedures provided for in Articles 33 and 34, in accordance with national legislation. ☞;</p>	
		<p>(c) derogate from Article 46(7). ☞</p>	

Article 33		Article 33	
Failure to appear		Failure to appear	
Member States may retain or adopt the procedure provided for in Article 32 in the case of an application for asylum filed at a later date by an applicant who, either intentionally or owing to gross negligence, fails to go to a reception centre or appear before the competent authorities at a specified time.		Member States may retain or adopt the procedure provided for in Article 32 in the case of an application for asylum filed at a later date by an applicant who, either intentionally or owing to gross negligence, fails to go to a reception centre or appear before the competent authorities at a specified time.	
Article 42 34	Article 42	Article 42 34	
Procedural rules	Procedural rules	Procedural rules	
1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum whose application is subject to a preliminary examination pursuant to Article 40 32 enjoy the guarantees provided for in Article 12(1) 10(1) .	1. Member States shall ensure that applicants for international protection whose application is subject to a preliminary examination pursuant to Article 40 enjoy the guarantees provided for in Article 12(1).	1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum whose application is subject to a preliminary examination pursuant to Article 40 32 enjoy the guarantees provided for in Article 12(1) 10(1) .	

<p>2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40 32. Those rules may, <i>inter alia</i>:</p>	<p>2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40. Those rules may, <i>inter alia</i>:</p>	<p>2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 40 32. Those rules may, <i>inter alia</i>:</p>	
<p>(a) oblige the applicant concerned to indicate facts and substantiate evidence which justify a new procedure;</p>	<p>(a) oblige the applicant concerned to indicate facts and substantiate evidence which justify a new procedure;</p>	<p>(a) oblige the applicant concerned to indicate facts and substantiate evidence which justify a new procedure;</p>	
<p>(b) require submission of the new information by the applicant concerned within a time limit after he/she obtained such information;</p>		<p>(b) require submission of the new information by the applicant concerned within a time limit after he/she obtained such information;</p>	
<p>(b) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal</p>	<p>(b) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal</p>	<p>(b) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal</p>	

<p>interview ⇒ , with the exception of cases referred to in Article 40(6) ⇐.</p>	<p>interview, with the exception of cases referred to in Article 40(6).</p>	<p>interview ⇒ , with the exception of cases referred to in Article 40(6) ⇐.</p>	
<p>⊗ Those rules ⊗ The conditions shall not render impossible the access of applicants for asylum to a new procedure or result in the effective annulment or severe curtailment of such access.</p>	<p>Those rules shall not render impossible the access of applicants to a new procedure or result in the effective annulment or severe curtailment of such access.</p>	<p>⊗ Those rules ⊗ The conditions shall not render impossible the access of applicants for asylum to a new procedure or result in the effective annulment or severe curtailment of such access.</p>	
<p>3. Member States shall ensure that:</p>	<p>3. Member States shall ensure that</p>	<p>3. Member States shall ensure that:</p>	
<p>(a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision.</p>	<p>(a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision.</p>	<p>(a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision.</p>	

	<p>(b) <u>if one of the situations referred to in Article 40(2) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.</u></p>		
<p>(b) if one of the situations referred to in Article 32(2) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.</p>		<p>(b) if one of the situations referred to in Article 32(2) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.</p>	

SECTION V	SECTION V	SECTION V	
<i>Article 43 35</i>	<i>Article <u>43</u></i>	<i>Article <u>43</u> 35</i>	
Border procedures	Border procedures	Border procedures	
1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II, in order to decide at the border or transit zones of the Member State on:	1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II, in order to decide at the border or transit zones of the Member State on:	1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II, in order to decide at the border or transit zones of the Member State on:	
(a) ⇒ the admissibility of an ⇐ applications ⇒ , pursuant to Article 33, ⇐ made at such locations; ⇒ and/or ⇐	(a) the admissibility of an application, pursuant to Article 33, made at such locations; and/or	(a) ⇒ the admissibility of an ⇐ applications ⇒ , pursuant to Article 33, ⇐ made at such locations; ⇒ and/or ⇐	
(b) the substance of an application in a procedure pursuant to Article 31(6).	(b) the substance of an application in a procedure pursuant to Article 31(6).	(b) the substance of an application in a procedure pursuant to Article 31(6).	
2. However, when procedures as set out in		2. However, when procedures as set out in	

<p>paragraph 1 do not exist, Member States may maintain, subject to the provisions of this Article and in accordance with the laws or regulations in force on 1 December 2005, procedures derogating from the basic principles and guarantees described in Chapter II, in order to decide at the border or in transit zones as to whether applicants for asylum who have arrived and made an application for asylum at such locations, may enter their territory.</p>		<p>paragraph 1 do not exist, Member States may maintain, subject to the provisions of this Article and in accordance with the laws or regulations in force on 1 December 2005, procedures derogating from the basic principles and guarantees described in Chapter II, in order to decide at the border or in transit zones as to whether applicants for asylum who have arrived and made an application for asylum at such locations, may enter their territory.</p>	
<p>3. The procedures referred to in paragraph 2 shall ensure in particular that the persons concerned:</p>		<p>3. The procedures referred to in paragraph 2 shall ensure in particular that the persons concerned:</p>	
<p>(a) are allowed to remain at the border or transit zones of the Member State, without prejudice to Article 7;</p>		<p>(a) are allowed to remain at the border or transit zones of the Member State, without prejudice to Article 7;</p>	

<p>(b) are be immediately informed of their rights and obligations, as described in Article 10(1)(a);</p>		<p>(b) are be immediately informed of their rights and obligations, as described in Article 10(1)(a);</p>	
<p>(e) have access, if necessary, to the services of an interpreter, as described in Article 10(1)(b);</p>		<p>(e) have access, if necessary, to the services of an interpreter, as described in Article 10(1)(b);</p>	
<p>(d) are interviewed, before the competent authority takes a decision in such procedures, in relation to their application for asylum by persons with appropriate knowledge of the relevant standards applicable in the field of asylum and refugee law, as described in Articles 12, 13 and 14;</p>		<p>(d) are interviewed, before the competent authority takes a decision in such procedures, in relation to their application for asylum by persons with appropriate knowledge of the relevant standards applicable in the field of asylum and refugee law, as described in Articles 12, 13 and 14;</p>	

<p>(e) can consult a legal adviser or counsellor admitted or permitted as such under national law, as described in Article 15(1); and</p>		<p>(e) can consult a legal adviser or counsellor admitted or permitted as such under national law, as described in Article 15(1); and</p>	
<p>(f) have a representative appointed in the case of unaccompanied minors, as described in Article 17(1), unless Article 17(2) or (3) applies.</p>		<p>(f) have a representative appointed in the case of unaccompanied minors, as described in Article 17(1), unless Article 17(2) or (3) applies.</p>	
<p>Moreover, in case permission to enter is refused by a competent authority, this competent authority shall state the reasons in fact and in law why the application for asylum is considered as unfounded or as inadmissible.</p>		<p>Moreover, in case permission to enter is refused by a competent authority, this competent authority shall state the reasons in fact and in law why the application for asylum is considered as unfounded or as inadmissible.</p>	

<p>2. 4. Member States shall ensure that a decision in the framework of the procedures provided for in paragraph 1 2 is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant for asylum shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance with the other provisions of this Directive.</p>	<p>2. Member States shall ensure that a decision in the framework of the procedures provided for in paragraph 1 is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance with the other provisions of this Directive. <i>The holding of applicants at Member States' borders or transit zones is equivalent to placing them in detention, as referred to in Article 26.</i></p>	<p>2.4. Member States shall ensure that a decision in the framework of the procedures provided for in paragraph 1 2 is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant for asylum shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance with the other provisions of this Directive.</p>	
<p>3. 5. In the event of particular types of arrivals, or arrivals involving a large number of third country nationals or stateless persons lodging applications for international protection ⇨ asylum at</p>	<p>3. In the event of arrivals involving a large number of third country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, which makes it impossible in</p>	<p>3.5. In the event of particular types of arrivals, or arrivals involving a large number of third country nationals or stateless persons lodging applications for international protection ⇨ asylum at</p>	

<p>the border or in a transit zone, which makes it practically impossible ☒ in practice ☒ to apply there the provisions of paragraph 1 or the specific procedure set out in paragraphs 2 and 3, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally at locations in proximity to the border or transit zone.</p>	<p>practice to apply there the provisions of paragraph 1, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally at locations in proximity to the border or transit zone.</p>	<p>the border or in a transit zone, which makes it practically impossible ☒ in practice ☒ to apply there the provisions of paragraph 1 or the specific procedure set out in paragraphs 2 and 3, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally at locations in proximity to the border or transit zone.</p>	
<p><i>Article 36</i></p>		<p>☐ [...] ☐</p>	
<p>The European safe third countries concept</p>			
<p>1. Member States may provide that no, or no full, examination of the asylum application and of the safety of the applicant in his/her particular circumstances as described in</p>			

<p>Chapter II, shall take place in cases where a competent authority has established, on the basis of the facts, that the applicant for asylum is seeking to enter or has entered illegally into its territory from a safe third country according to paragraph 2.</p>			
<p>2. A third country can only be considered as a safe third country for the purposes of paragraph 1 where:</p>			
<p>(a) it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;</p>			
<p>(b) it has in place an asylum procedure prescribed by law;</p>			
<p>(c) it has ratified the European</p>			

<p>Convention for the Protection of Human Rights and Fundamental Freedoms and observes its provisions, including the standards relating to effective remedies; and</p>			
<p>(d) it has been so designated by the Council in accordance with paragraph 3.</p>			
<p>3. The Council shall, acting by qualified majority on a proposal from the Commission and after consultation of the European Parliament, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.</p>			
<p>4. The Member States concerned shall lay down</p>			

<p>in national law the modalities for implementing the provisions of paragraph 1 and the consequences of decisions pursuant to those provisions in accordance with the principle of non-refoulement under the Geneva Convention, including providing for exceptions from the application of this Article for humanitarian or political reasons or for reasons of public international law.</p>			
<p>5. When implementing a decision solely based on this Article, the Member States concerned shall:</p>			
<p>(a) inform the applicant accordingly; and</p>			
<p>(b) provide him/her with a document informing the authorities of the third country, in</p>			

<p>the language of that country, that the application has not been examined in substance.</p>			
<p>6. Where the safe third country does not readmit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.</p>			
<p>7. Member States which have designated third countries as safe countries in accordance with national legislation in force on 1 December 2005 and on the basis of the criteria in paragraph 2(a), (b) and (c), may apply paragraph 1 to these third countries until the Council has adopted the common list pursuant to paragraph 3.</p>			

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

<i>Article 45 38</i>	<i>Article 45</i>	<i>Article 45 38</i>	
Procedural rules	Procedural rules	Procedural rules	
<p>1. Member States shall ensure that, where the competent authority is considering withdrawing the ⇒ international protection ⇐ refugee status of a third country national or stateless person in accordance with Article 14 ⇒ or Article 19 ⇐ of Directive [...]/.../EU] [the Qualification Directive] 2004/83/EC, the person concerned shall enjoys the following guarantees:</p>	<p>1. Member States shall ensure that, where the competent authority is considering withdrawing the international protection status of a third country national or stateless person in accordance with Article 14 or Article 19 of Directive [...]/.../EU] [the Qualification Directive], the person concerned enjoys the following guarantees:</p>	<p>1. Member States shall ensure that, where the competent authority is considering withdrawing the ⇒ international protection ⇐ refugee status of a third country national or stateless person in accordance with Article 14 ⇒ or Article 19 ⇐ of Directive [...]/.../EU] [the Qualification Directive] 2004/83/EC, the person concerned shall enjoys the following guarantees:</p>	
<p>(a) to be informed in writing that the competent authority is reconsidering his or her qualification for ⇒ international protection ⇐ refugee status and</p>	<p>(a) to be informed in writing that the competent authority is reconsidering his or her qualification for international protection status and the reasons for</p>	<p>(a) to be informed in writing that the competent authority is reconsidering his or her qualification for ⇒ international protection ⇐ refugee status and</p>	

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

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

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

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

has become a citizen of that Member State. ⇐		has become a citizen of that Member State. ⇐	
CHAPTER V	CHAPTER V	CHAPTER V	
APPEALS PROCEDURES	APPEALS PROCEDURES	APPEALS PROCEDURES	
<i>Article <u>46</u> 39</i>	<i>Article <u>46</u></i>	<i>Article <u>46</u> 39</i>	
The right to an effective remedy	The right to an effective remedy	The right to an effective remedy	
1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum have the right to an effective remedy before a court or tribunal, against the following:	1. Member States shall ensure that applicants for international protection have the right to an effective remedy before a court or tribunal, against the following:	1. Member States shall ensure that applicants for ⇒ international protection ⇐ asylum have the right to an effective remedy before a court or tribunal, against the following:	
(a) a decision taken on their application for ⇒ international protection ⇐ , including a decision:	(a) a decision taken on their application for international protection, including a decision:	(a) a decision taken on their application for ⇒ international protection ⇐ , including a decision:	
(i) to consider an application	(i) to consider an application	(i) to consider an application unfounded in relation to refugee	

<p>unfounded in relation to refugee status and/or subsidiary protection status,</p>	<p>unfounded in relation to refugee status and/or subsidiary protection status,</p>	<p>status and/or subsidiary protection status,</p>	
<p>(ii i) to consider an application inadmissible pursuant to Article 33 25 (2),</p>	<p>(ii) to consider an application inadmissible pursuant to Article 33(2),</p>	<p>(ii †) to consider an application inadmissible pursuant to Article 33 25 (2),</p>	
<p>(iii ‡) taken at the border or in the transit zones of a Member State as described in Article 43(1) 35(1),</p>	<p>(iii) taken at the border or in the transit zones of a Member State as described in Article 43(1),</p>	<p>(iii ‡) taken at the border or in the transit zones of a Member State as described in Article 43(1) 35(1) ⊖ ; ⊖ ⊖ [...] ⊖</p>	
	<p>(iv) <u>not to conduct an examination pursuant to Article 38;</u></p>		

<p>(iii) not to conduct an examination pursuant to Article 36;</p>		<p>(iii) not to conduct an examination pursuant to Article 36;</p>	
		<p>➔ (iv) not to conduct an examination pursuant to Article 39. ◀</p>	
<p>(b) a refusal to re-open the examination of an application after its discontinuation pursuant to <u>Articles 27 and 28 19 and 20;</u></p>	<p>(b) a refusal to re-open the examination of an application after its discontinuation pursuant to Articles 27 and 28;</p>	<p>(b) a refusal to re-open the examination of an application after its discontinuation pursuant to <u>Articles 27 and 28 19 and 20;</u></p>	
<p>(e) a decision not to further examine the subsequent application pursuant to Articles 32 and 34;</p>		<p>(e) a decision not to further examine the subsequent application pursuant to Articles 32 and 34;</p>	
<p>(d) a decision refusing entry within the framework of the procedures provided for under Article 35(2);</p>		<p>(d) a decision refusing entry within the framework of the procedures provided for under Article 35(2);</p>	

<p>(c e) a decision to withdraw ⇒ international protection ⇐ refugee status pursuant to Article 45 38.</p>	<p>(c) a decision to withdraw international protection status pursuant to Article 45.</p>	<p>(ce) a decision to withdraw ⇒ international protection ⇐ refugee status pursuant to Article 45 38.</p>	
<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	<p>2. Member States shall ensure that persons recognised by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status.</p>	
		<p>➤ Without prejudice to paragraph 1(c) of this Article, where the subsidiary protection status granted by a Member State offers the same rights and benefits as those offered by the refugee status under Union and national law, that Member State may consider an appeal</p>	

		<p>against the decision referred to in subparagraph 1 of this paragraph inadmissible on the basis of insufficient interest on the part of the applicant in maintaining the proceedings. ☹</p>	
<p>The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.</p>	<p>The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.</p>	<p>☺ [...] ☹</p>	
<p>3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU]</p>	<p>3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an <i>ex nunc</i> examination of the international protection needs pursuant to Directive [...]/.../EU]</p>	<p>3. ☺ In order to comply with paragraph 1, ☹ Member States shall ensure that ☺ an ☹ ☺ [...] ☹ effective remedy ☺ [...] ☹ provides for a full ☺ and ☹ <i>ex nunc</i> ☹ examination of both facts and points of law, including ☺, where applicable, ☹ an</p>	

<p>[the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.</p>	<p>[the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.</p>	<p>☉ [...] ☪ examination of the international protection needs pursuant to Directive [...]/.../EU [the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.</p>	
<p><u>4. 2</u> Member States shall provide for ⇒ reasonable ⇐ time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.</p>	<p>4. Member States shall provide for <i>minimum</i> time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.</p>	<p><u>4. 2</u> Member States shall provide for ⇒ reasonable ⇐ time limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1.</p>	
	<p><i>The Member States shall set a minimum time limit of 45 working days during which applicants may exercise their right to an effective remedy. For applicants under the accelerated procedure referred to in Article 31(6), the Member States shall lay down a</i></p>		

	<i>minimum time limit of thirty working days.</i>		
The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1.	
Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	Member States may also provide for an <i>ex officio</i> review of decisions taken pursuant to Article 43.	
3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:		3. Member States shall, where appropriate, provide for rules in accordance with their international obligations dealing with:	
(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;		(a) the question of whether the remedy pursuant to paragraph 1 shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome;	

<p>(b) the possibility of legal remedy or protective measures where the remedy pursuant to paragraph 1 does not have the effect of allowing applicants to remain in the Member State concerned pending its outcome. Member States may also provide for an ex officio remedy; and</p>		<p>(b) the possibility of legal remedy or protective measures where the remedy pursuant to paragraph 1 does not have the effect of allowing applicants to remain in the Member State concerned pending its outcome. Member States may also provide for an ex officio remedy; and</p>	
<p>(c) the grounds for challenging a decision under Article 25(2)(c) in accordance with the methodology applied under Article 27(2)(b) and (c);</p>		<p>(c) the grounds for challenging a decision under Article 25(2)(c) in accordance with the methodology applied under Article 27(2)(b) and (c);</p>	
<p>5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in</p>	<p>5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in</p>	<p>5. Without prejudice to paragraph 6, Member States shall allow applicants to remain in</p>	

<p>the territory until the time limit within which to exercise their right to an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.</p>	<p>the territory until the time limit within which to exercise their right to an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.</p>	<p>the territory until the time limit within which to exercise their right to an effective remedy has expired or, when this right has been exercised within the time limit, pending the outcome of the remedy.</p>	
<p>6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the</p>	<p>6. In the case of a decision to consider an application unfounded where any of the circumstances listed in Article 31(6)(a) to (g) apply or of a decision to consider an application inadmissible pursuant to Article 33(2)(a) or (d), and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the</p>	<p>6. In the case of a decision</p>	

concerned applicant or acting on its own motion.	concerned applicant or acting on its own motion.		
		<p>⇒ (a) ⇒ to consider an application ⇒ manifestly unfounded in accordance with Article 32(2) or ⇒ unfounded ⇒ after examination in accordance with ⇒ [...] ⇒ Article 31(6) ⇒ , except for cases where these decisions are based on the circumstances referred to in Article 31(6) (f1) ⇒ ⇒ [...] ⇒ ;</p>	
		<p>⇒ (b) ⇒ ⇒ [...] ⇒ to consider an application inadmissible pursuant to Article 33(2)(a) ⇒ (b) ⇒ or (d) ⇒ ; ⇒</p>	
		<p>⇒ (c) to reject reopening of the applicant's case that has been</p>	

		discontinued according to Article 28; ☹	
		☹ (d) not to examine or not to examine fully the application pursuant to Article 39; ☹	
		☹ if the decision aims to end the applicant's right to remain in the Member State ☹ and where, in such cases, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion.	
This paragraph shall not apply to procedures	This paragraph shall not apply to procedures	☹ 7. ☹ ☹ Paragraph 6 ☹ ☹ [...] ☹ shall	

referred to in Article 43.	referred to in Article 43.	<p>☞ [...] ☞ ☞ only ☞ apply to procedures referred to in Article 43 ☞_☞ [...] ☞ provided that:</p>	
		<p>a) the applicant has the necessary interpretation ☞_☞ ☞ [...] ☞ legal assistance ☞ and at least one week ☞ to prepare the request and ☞ submit ☞ ☞ [...] ☞ to the court or tribunal the arguments in favour of granting him/her the right to remain on the territory pending the outcome of the remedy;</p>	
		<p>b) ☞ [...] ☞ ☞ [...] ☞ in the framework of of the examination of the request referred to in Paragraph 6, the court or tribunal examines the negative decision of the determining authority in terms of fact and law. ☞.</p>	
		<p>☞If the conditions referred to in points (a)</p>	

		and (b) are not met paragraph 5 applies ☹	
7. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6.	7. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down in paragraph 6. <i>An exception may be made for subsequent applications which do not lead to a further examination pursuant to Article 40(5), if a return decision pursuant to Article 3(4) of Directive 2008/115/EC has been taken, and for decisions in the procedure pursuant to Article 39 if this is provided for in national legislation.</i> [Am. 117]	☹ 8 ☹ ☹ [...] ☹. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure to rule whether or not the applicant may remain on the territory, laid down ☹ [...] ☹ ☹ paragraphs ☹ 6 ☹ and 7 ☹.	
8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No	8. Paragraphs 5, 6 and 7 shall be without prejudice to Article 26 of Regulation (EU) No	☹ [...] ☹	

[.../...] [the Dublin Regulation].	[.../...] [the Dublin Regulation].		
9. 4. Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	9. Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	9.4. Member States may lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.	
5. Where an applicant has been granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC, the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.		5. Where an applicant has been granted a status which offers the same rights and benefits under national and Community law as the refugee status by virtue of Directive 2004/83/EC, the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.	
10. 6. Member States may also	10. Member States may also	10. 6. Member States may also	

lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.	lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.	lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.	
CHAPTER VI	CHAPTER VI	CHAPTER VI	
GENERAL AND FINAL PROVISIONS	GENERAL AND FINAL PROVISIONS	GENERAL AND FINAL PROVISIONS	
<i>Article <u>47</u> 40</i>	<i>Article 47</i>	<i>Article <u>47</u> 40</i>	
Challenge by public authorities	Challenge by public authorities	Challenge by public authorities	
This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.	

<i>Article 48 44</i>	<i>Article 48</i>	<i>Article 48 44</i>	
Confidentiality	Confidentiality	Confidentiality	
Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.	
<i>Article 49</i>	<i>Article 49</i>	<i>Article 49</i>	
Cooperation	Cooperation	Cooperation	
Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.	
Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.	

<i>Article <u>50</u> 42</i>	<i>Article <u>50</u></i>	<i>Article <u>50</u> 42</i>	
Report	Report	Report	
<p>No later than 1 December 2009 ⇒¹ ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.</p>	<p>No later than....., the Commission shall report to the European Parliament and the Council on the application and the financial cost of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information and financial data that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every two years.</p>	<p>No later than 1 December 2009 ⇒² ⇐, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every ⇒ five ⇐ two years.</p>	

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

² [...] 48 months from the date of publication in the Official Journal of the European Union .

<i>Article 51 43</i>	<i>Article 51</i>	<i>Article 51 43</i>	
Transposition	Transposition	Transposition	
<p><u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 <input checked="" type="checkbox"/> Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest <input checked="" type="checkbox"/>. Concerning Article 15, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission</p>	<p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p><u>1.</u> Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2007 <input checked="" type="checkbox"/> Articles [...] [the Articles that have been changed as to the substance by comparison with the earlier Directive] by [...] ¹at the latest <input checked="" type="checkbox"/>. Concerning Article 15, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 December 2008. They shall forthwith <input checked="" type="checkbox"/> communicate to <input checked="" type="checkbox"/> inform the Commission</p>	

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

<p>thereof ☒ the text of those provisions and a correlation table between those provisions and this Directive ☒.</p>		<p>thereof ☒ the text of those provisions ☞ [...] ☞ ☒.</p>	
<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(3) by [2 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>	<p>2. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 31(☞ 2 ☞ ☞ and 3 ☞ ☞ [...]) ☞ by [3 years from the date of the transposition deadline]. They shall forthwith communicate to the Commission the text of those provisions ☞ [...] ☞.</p>	
<p>3. When Member States adopt ☒ the ☒ those provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member</p>	<p>3. When Member States adopt the provisions referred to in paragraphs 1 and 2, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine</p>	<p>3. When Member States adopt ☒ the ☒ those provisions ☒ referred to in paragraphs 1 and 2 ☒, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. ☒ Member</p>	

<p>States shall determine how such reference is to be made. ☒ The methods of making such reference shall be laid down by Member States. ☒ They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ☒</p>	<p>how such reference is to be made. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.</p>	<p>States shall determine how such reference is to be made. ☒ The methods of making such reference shall be laid down by Member States. ☒ They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated. ☒</p>	
<p><u>4.</u> Member States shall communicate to the Commission the text of the ☒ main ☒ provisions of national law which they adopt in the field covered by this Directive ☒ and a correlation table between those provisions and this Directive ☒.</p>	<p>4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive and a correlation table between those provisions and this Directive.</p>	<p><u>4.</u> Member States shall communicate to the Commission the text of the ☒ main ☒ provisions of national law which they adopt in the field covered by this Directive ☒ [..] ☒.</p>	

<i>Article 52 <u>44</u></i>	<i>Article <u>52</u></i>	<i>Article 52 <u>44</u></i>	
<u>Transitional provisions</u>	<u>Transitional provisions</u>	<u>Transitional provisions</u>	
<p>Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article 51(1) 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 1 December 2007. ⇒ Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐</p>	<p>Member States shall apply the laws, regulations and administrative provisions referred to in Article 51(1) to applications for international protection lodged after [...] and to procedures for the withdrawal of international protection started after [...]. Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC.</p>	<p>Member States shall apply the laws, regulations and administrative provisions ☒ referred to ☒ set out in Article 51(1) 43 to applications for ⇒ international protection ⇐ asylum lodged after ⇒ [...] ⇐ 1 December 2007 and to procedures for the withdrawal of ⇒ international protection ⇐ refugee status started after ⇒ [...] ⇐ 2 1 December 2007. ⇒ Applications submitted before [...] ³ and procedures for the withdrawal of refugee status initiated before [...] ⁴ shall be governed by the laws, regulations and administrative provisions adopted pursuant to Directive 2005/85/EC. ⇐</p>	
<p>Member States shall apply the laws, regulations and</p>	<p>Member States shall apply the laws, regulations and</p>	<p>Member States shall apply the laws, regulations and</p>	

- ¹ 24 months from the date of publication in the Official Journal of the European Union.
- ² 24 months from the date of publication in the Official Journal of the European Union.
- ³ 24 months from the date of publication in the Official Journal of the European Union.
- ⁴ 24 months from the date of publication in the Official Journal of the European Union.

administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]. Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	administrative provisions referred to in Article 51(2) to applications for international protection lodged after [...]¹. Applications submitted before [...]² shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.	
<i>Article 53</i>	<i>Article 53</i>	<i>Article 53</i>	
Repeal	Repeal	Repeal	
Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	Directive 2005/85/EC is repealed for the Member States bound by this Directive with effect from [day after the date set out in Article 51(1) of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.	
References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with	

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

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

the correlation table in Annex III.	the correlation table in Annex III.	the correlation table in Annex III.	
<i>Article <u>54</u> 45</i>	<i>Article <u>54</u></i>	<i>Article <u>54</u> 45</i>	
Entry into force	Entry into force	Entry into force	
This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	
Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	Articles [...] shall apply from [day after the date set out in Article 51(1)].	
<i>Article <u>55</u> 46</i>	<i>Article <u>55</u></i>	<i>Article <u>55</u> 46</i>	
Addressees	Addressees	Addressees	
This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community <input checked="" type="checkbox"/> accordance with the Treaties <input type="checkbox"/> .	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in conformity with the Treaty establishing the European Community <input checked="" type="checkbox"/> accordance with the Treaties <input type="checkbox"/> .	
Done at Brussels,	Done at Brussels,	Done at Brussels,	
<i>For the European Parliament</i>	<i>For the European Parliament</i>	<i>For the European Parliament</i>	
<i>The President</i>	<i>The President</i>	<i>The President</i>	
<i>For the Council</i>	<i>For the Council</i>	<i>For the Council</i>	

<i>The President</i>	<i>The President</i>	<i>The President</i>	
ANNEX I		ANNEX I	
ANNEX I H		ANNEX I H	
Designation of safe countries of origin for the purposes of Articles 29 and 30 37(1)	DELETED	Designation of safe countries of origin for the purposes of Articles 29 and 30 37(1)	
A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...]/.../EU] [the Qualification Directive] Directive 2004/83/EC , no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.		A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive [...]/.../EU] [the Qualification Directive] Directive 2004/83/EC , no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.	
In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or		In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or	

mistreatment by:		mistreatment by:	
(a) the relevant laws and regulations of the country and the manner in which they are applied;		(a) the relevant laws and regulations of the country and the manner in which they are applied;	
(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;		(b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;	
(c) <i>respect of the non-refoulement principle according to the Geneva Convention;</i>		(c) respect of the non-refoulement principle according to the Geneva Convention;	
(d) provision for a system of effective remedies against violations of		(d) provision for a system of effective remedies against violations of	

these rights and freedoms.		these rights and freedoms.	
ANNEX III		ANNEX III	
