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from: Presidency

to: Permanent Representatives Committee (Part II)

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

Introduction

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

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

Following lengthy negotiations in Council and in the trilogues with the European Parliament, the Permanent Representatives Committee approved on 18 July 2012 a compromise as reflected in doc. 12746/2/12. This compromise was also approved in an orientation vote by the LIBE Committee of the European Parliament on 19 September 2012. The compromise covers all provisions in the Dublin Regulation with the exception of those provisions relating to giving powers to the Commission (“comitology” provisions) which have been excluded from this first round of negotiations with Parliament, as previously agreed between the two institutions. It was then agreed that "comitology" provisions would be discussed in a second stage, once agreement on the substance was reached.

JHA Counsellors examined the "comitology" provisions on several occasions. Most recently, JHA Counsellors examined the issue again on the basis of a Presidency compromise (doc. 13416/12). They also examined the future relationship of the Dublin recast, in particular its “comitology” provisions with the current Dublin implementing Regulation (Commission Regulation 1560/2003) and the various options thereupon.

JHA Counsellors have considered that no form of empowerment is necessary in two cases (Articles 6 and 29) and have opted for implementing acts with the examination procedure in all other cases. In their deliberations the JHA Counsellors have, on one occasion, touched upon a previously agreed text (Article 30A) only in order to improve the drafting and the comprehension of the text and to eliminate the use of empowerment in adopting rules for the transmission of health data. This latter modification will therefore depend on its acceptance by Parliament.

Conclusion

The Presidency invites the Permanent Representatives Committee to endorse the compromise package reflected in the annex with a view to mandate the Presidency to conduct the first informal trilogue on the “comitology” aspects of the recast Dublin Regulation with the European Parliament.

Changes to document 12746/2/12 REV2 are in bold underlined and strikethrough.

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

...

Recital 30

- (30) ☞ [...] ☞ ☞ In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. of the European Parliament and of the Council of 16 February 2011 ☞ laying down ☞ [...] ☞ ☞ the rules and general principles concerning mechanisms for control by the Member States of ☞ the Commission ☞ 's exercise of implementing powers ☞ .

Recital 31

- (31) ☞ [...] ☞ ☞ The examination procedure should be used for the adoption of an information leaflet on Dublin/Eurodac, of procedures related to the implementation of measures concerning the reunification of unaccompanied minors with relatives and dependent persons with relations ☞ [...] ☞ , of procedures for preparing and transmitting take charge and take back requests, of establishing and revising the two lists indicating the elements of proof regarding a take charge request, the design of the laissez-passer, the procedures for carrying out transfers **and meeting their costs**, drawing a standard form of data exchange, **the practical arrangements on the transfer of health data**, the rules relating to the establishment of secure electronic transmission channels for all written correspondence, given that those acts are of general scope. ☞

...

Article 4

⊗ Right to information ⊗

41. ⇒ As soon as an application for international protection is lodged ➡ in the meaning of Article 20(2) of this Regulation ☹ , the competent authorities of Member States shall inform ⇐ ~~the~~ the asylum seeker ~~shall be informed in writing in a language that he or she may reasonably be expected to understand regarding~~ ⊗ of ⊗ the application of this Regulation, ~~its time limits and its effects.~~ ⇒ , and in particular of: ⇐

↓ new

➡ Council

- (a) the objectives of this Regulation and the consequences of making another application in a different Member State ➡ as well as the consequences of moving from a Member State to another one during the determination of the Member State responsible under this Regulation and during the examination of the application for international protection ☹ ;
- (b) the criteria for allocating responsibility, ➡ and their hierarchy ☹ ➡ the different steps of the procedure, ➡ and their duration including that an application for international protection made in one Member State can result in that Member State becoming responsible for under this Regulation even if it does not follow from the criteria allocating responsibility ☹ ➡ [...] ☹ ➡ [...] ☹ ➡ [...] ☹ ; ☹
- ➡ (bc) the ➡ [...] ☹ personal interview pursuant to Article 5 and the possibility to submit information regarding the presence of family members within the meaning of Article 2 (g), siblings ➡ [...] ☹ relatives ➡ [...] ☹ or relations in the Member States, including the means by which the applicant can submit such information; ☹

➔ [...] ➔

➔ [...] ➔ (c) ➔ the possibility to challenge a transfer decision ➔ and, where applicable, to apply for suspension of the transfer ➔ ;

➔ [...] ➔ (d) ➔ the fact that the competent authorities ➔ of Member States ➔ can exchange data on him/her for the sole purpose of implementing the obligations arising under this Regulation;

➔ [...] ➔ (e) ➔ the right of access to data relating to him/her, and the right to request that inaccurate data relating to him/her be corrected or that unlawfully processed data relating to him/her be deleted, ➔ [...] ➔ as well as ➔ the procedures for exercising those rights ➔ [...] ➔ including ➔ the contact details ➔ of the authorities referred to in Article 33 ➔ and of the National Data Protection Authorities which shall hear claims concerning the protection of personal data.

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

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

➔ [...] ➔

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

~~☺~~ [...] ~~☹~~

~~☺~~ [...] ~~☹~~

...

Article 6

Guarantees for ~~☺~~ [...] ~~☹~~ minors

1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.
2. Member States shall ensure that a representative represents and/or assists the unaccompanied minor with respect to all procedures provided for in this Regulation. ~~☺~~ [...] ~~☹~~ ~~☺~~ The representative shall ~~☺~~ [...] ~~☹~~ have the qualifications and ~~☺~~ [...] ~~☹~~ expertise in view of ensuring that the best interests of the minor are taken into consideration ~~☺~~ [...] ~~☹~~ during the procedures carried out under this Regulation. He/she shall have access to the content of the relevant documents in the applicant's file ~~☺~~ [...] ~~☹~~ ~~☺~~ [...] ~~☹~~ including the specific leaflet for unaccompanied minors. This paragraph shall be without prejudice to the relevant provisions in Art 25 of the Asylum Procedures Directive. ~~☹~~

3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:

(a) family reunification possibilities;

(b) the minor's well-being and social development [...];

(c) safety and security considerations, in particular where there is a risk of the child being a victim of trafficking;

(d) the views of the minor, in accordance with his/her age and maturity.

[...]

4. [...] For the purpose of applying Article 8, the Member State [...] in which the application for international protection was lodged by the unaccompanied minor shall as soon as possible [...] take appropriate action to identify the [...] family members [...], siblings [...] or [...] the relatives [...] of the unaccompanied minor in [...] the territory of Member States [...], [...] the territory of Member States [...] whilst protecting [...] the minor's best interests.

To that end, they may call for assistance of international or other relevant organisations, including through facilitating the minor's access to the tracing services of such organisations.

The staff of the competent authorities referred to in Article 33 who deal with requests concerning unaccompanied minors shall have had and continue to receive appropriate knowledge appropriate training concerning the specific needs of minors.

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

...

Article 6 8

⤵ [...] ⤵

⤵ Minors ⤵

- 1 Where the applicant ~~for asylum~~ is an unaccompanied minor, the Member State responsible for examining the application ⤵ for international protection ⤵ shall be that where a member of his or her family ⤵ within the meaning of Article 2(g) or his/her sibling ⤵ [...] ⤵ is legally present, provided that this is in the best interest ⤵ [...] ⤵ of the ⤵ [...] ⤵ minor. ⤵ Where the applicant is a married minor whose spouse is not legally present in the territory of the Member States, the Member State responsible for examining the applicant for international protection shall be that where the father, mother or another adult responsible for him/her whether by law or by the national practice of the Member State or the sibling where the latter is legally present. ⤵

↓ 343/2003/EC Article 15(3) (adapted)

⤵ new

⤵ Council

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

↓ new

→ Council

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

↓ 343/2003/EC

⇒ new

→ Council

4. In the absence of a family member → a sibling or a relative as mentioned in paragraphs 1 and 2 ← → [...] ← → [...] ← the Member State responsible for examining the application shall be that where the → unaccompanied ← minor has lodged → his/her ← → [...] ← ⇒ → [...] ← → [...] ← ⇐ application for asylum ⇒ international protection, provided that this is in the best interests of the → [...] ← minor. ⇐

→ [...] ←

2. Where the child, sibling or parent is legally resident in another Member State than the one where the asylum seeker is present, the Member State responsible for examining the application shall be the one where the person concerned is legally resident unless the concerned asylum seeker's health condition prevents him/her during a significant period of time from travelling to that Member State.

Where the concerned asylum seeker's health condition prevents him/her during a significant period of time from travelling to another Member State, the Member State responsible for examining his/her application shall be the one where he/she is present. Becoming the Member State responsible due to the applicant's inability to travel does not entail the obligation of bringing the child, sibling, or parent to that Member State.

↓ 1560/2003 Article 11(1) (adapted)

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

↓ 1103/2008/EC, pt. 3(1) of the Annex
Council

3. The procedures for implementing ~~this Article~~ this Article including, where appropriate, conciliation mechanisms for settling differences between Member States concerning the need to unite the persons in question, or the place where this should be done, shall be adopted in accordance with the procedure referred to in ~~Article 27(3)~~ **Article 40** (2).

...

Article ~~17~~21

~~⊗~~ Submitting a take charge request ~~⊗~~

1. Where a Member State with which an application for ~~asylum~~ ⇒ international protection ⇐ has been lodged considers that another Member State is responsible for examining the application, it may, as quickly as possible and in any case within three months of the date on which the application was lodged within the meaning of Article ~~42~~20(2), ~~call upon~~ ⊗ request ⊗ the other Member State to take charge of the applicant.

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

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

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

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

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

The rules on the preparation of and the procedures for transmitting requests shall be adopted in accordance with the procedure referred to in **Article 40(2)** ~~27(2)~~.

Article ~~1822~~

☒ Replying to a take charge request ☒

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

(b) Circumstantial evidence:

- (i) This refers to indicative elements which while being refutable may be sufficient, in certain cases, according to the evidentiary value attributed to them;
- (ii) Their evidentiary value, in relation to the responsibility for examining the application for ~~asylum~~ ⇒ international protection ⇐ shall be assessed on a case-by-case basis.

4. The requirement of proof should not exceed what is necessary for the proper application of this Regulation.
5. If there is no formal proof, the requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.
6. Where the requesting Member State has pleaded urgency, in accordance with the provisions of Article ~~17(2)~~ 21(2), the requested Member State shall make every effort to conform to the time limit requested. In exceptional cases, where it can be demonstrated that the examination of a request for taking charge of an applicant is particularly complex, the requested Member State may give the reply after the time limit requested, but in any case within one month. In such situations the requested Member State must communicate its decision to postpone a reply to the requesting Member State within the time limit originally requested.
7. Failure to act within the two-month period mentioned in paragraph 1 and the one-month period mentioned in paragraph 6 shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the ~~provisions~~ ⊗ obligation to provide ⊗ for proper arrangements for arrival.

✘ SECTION III. PROCEDURES FOR TAKE BACK REQUESTS ✘

Article ~~20~~ 23

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

- ➡ 1. Where a Member State with which a person as referred to in Article 18(1)(b), (c) or (d) lodged a new application for international protection, considers that another Member State is responsible in accordance with Article 20(5) and Article 18(1)(b), (c) and (d), it may request that other Member State to take back that person.

2. The request to take back the person concerned shall be made as quickly as possible and in any case within two months of receiving the EURODAC hit, pursuant to Article 6(5) of Regulation (EC) No [.../...] [concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Regulation].

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

3. Where the request to take back the person concerned is not made within the periods laid down in paragraph 2, responsibility for examining the application for international protection shall lie with the Member State in which the new application was lodged.

4. The request for the person concerned to be taken back shall be made using a standard form and including proof or circumstantial evidence and/or relevant elements from the person's statements, enabling the authorities of the requested Member State to check whether it is responsible.

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

Article 23A

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

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

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

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

3. Where the request to take back the person concerned, is not made within the periods laid down in paragraph 2, the Member State on whose territory the person concerned is staying without a residence document shall give the person the opportunity to lodge a new application ➡ [...] Ⓞ.

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

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

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

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

....

Article ~~19~~28

☒ Modalities and time-limits ☒

~~13.~~ The transfer of the applicant ☒ or of another person as referred to in Article 18(1) ☒ (c) or ☒ (d) ☒ from the ☒ requesting ☒ Member State ~~in which the application was lodged~~ to the ☒ responsible ☒ Member State ~~responsible~~ shall be carried out in accordance with the national law of the ☒ requesting ☒ ~~first~~ Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of acceptance of the request ~~that charge be taken~~ ☒ by another Member State to take charge or to take back the person concerned ☒ or of the ☒ final ☒ decision on an appeal or review where ~~there is~~ ☒ there is ☒ a suspensive effect ☒ [...] ☒ ☒ in accordance with Article 26(3) ☒ ☒ [...] ☒ .

☒ If transfers to the Member State responsible are carried out by supervised departure or under escort, Member States shall ensure that they are carried out in a humane manner and with full respect for fundamental rights and human dignity. ☒

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

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

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

⇩ new

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

⇩ 1103/2008/EC, pts. 3(2) and 3(3) of the Annex
⇨ Council

45. ⇨ [...] ⇨ The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in **Article 40(2)**. ⇨

Article 29

Costs of transfers

1. The costs necessary to transfer an applicant or another person as referred to in Article 18(1) (c) or (d) to the responsible Member State shall be met by the transferring Member State.
2. Where the person concerned has to be sent back to a Member State, as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal after the transfer has been carried out, the Member State which initially carried out the transfer shall be responsible for the costs of transferring the person concerned back to its territory.
3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.
4. ~~[...]~~ ~~The procedures for implementing this Article shall be adopted in accordance with the procedure referred to in Article 40(2).~~

Article 30

Exchange of relevant information before transfers being carried out

☞ [...] ☞

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

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

➔ (a) any immediate measures the responsible Member State ➔ [...] ➔ is required to take in order to ensure that the special needs of the person to be transferred are adequately addressed, including ➔ [...] ➔ any immediate health care that may be required; ➔

➔ [...] ➔ ➔ (b) ➔ contact details of family members ➔ within the meaning of Article 2(g) ➔ or of other relatives ➔ or relations ➔ [...] ➔ in the receiving Member State, where applicable;

➔ [...] ➔ ➔ (c) ➔ in the case of minors, information in relation to their ➔ [...] ➔ education;

➔ [...] ➔ ➔ (d) ➔ information about the ➔ assessment of the ➔ age of an applicant.

➔ [...] ➔

➔ [...] ➔ ➔ 3. ➔ The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 33 using the 'DubliNet' electronic communication network set-up under Article 18 of Regulation EC (No) 1560/2003. ➔ [...] ➔ The information exchanged shall only be used for the purposes set out in paragraph ➔ [...] ➔ ➔ 1 ➔ of this Article ➔ and shall not be further processed. ➔ ➔ [...] ➔

➔ [...] ➔

➔ 4. With a view to facilitating the exchange of information between Member States, a standard form for transferring the data required pursuant to this Article shall be adopted in accordance with the procedure laid down in **Article 40(2)**.

5. The rules laid down in Article 32(8) to (12) shall apply to the exchange of information pursuant to this Article. ➔

Article 30 A

Exchange of health data before transfer is being carried out

1. For the **sole exclusive** purpose of the provision of medical care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons that have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall, insofar as available to the competent authority in accordance with national law, transmit to the responsible Member State information about any special needs of the person to be transferred, which in specific cases may include information about the state of the physical and mental health of the person to be transferred.

The information shall be transferred in a common health certificate with the necessary documents attached. This common health certificate shall be drawn up in accordance with the procedure referred to in Article 40(2). The responsible Member State shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required.

2. Any information mentioned in paragraph 1 shall only be transmitted by the transferring Member State to the responsible Member State after the explicit consent of the applicant and/or of the person representing him/her has been obtained or when this is necessary to protect the vital interests of the individual or of another person where he/she is physically or legally incapable of giving his/her consent.

The lack of consent, including a refusal of consent, to transmitting any information referred to in paragraph 1 shall not be an obstacle to carrying out his/her transfer.

3. **Any** The processing of personal health data referred to in paragraphs 1 and 2 shall only be carried out by a health professional subject under national law or rules established by national competent bodies to the obligation of professional secrecy or by another person subject to an equivalent obligation of secrecy, **and fully respecting the data subject's right to the protection of his/her personal data.**

➤ [...] 4. The exchange of information under this Article shall only take place between the ➤ [...] health professionals or other persons referred to in paragraph 3. ➤ [...] The information exchanged shall only be used for the purposes set out in paragraph ➤ [...] 1 of this Article ➤ and shall not be further processed. ➤

➤ [...] ➤

➤ [...] 5. ➤ [...] The procedures and practical arrangements for exchanging ➤ [...] the information referred to in paragraph 1, ➤ shall be adopted in accordance with the procedure laid down in Article 40(2). The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 33 using the 'DubliNet' electronic communication network set-up under Article 18 of Regulation EC (No) 1560/2003.

➤ [...] ➤

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

...

Article ~~22~~33

~~⊗~~ Competent authorities and resources ~~⊗~~

1. ~~⊗~~ Each ~~⊗~~ Member States shall notify the Commission ~~⇒~~ without delay ~~⇐~~ of the ~~⇒~~ specific ~~⇐~~ authorities responsible for fulfilling the obligations arising under this Regulation ~~⇒~~ , and any amendments thereto. ~~⇐~~ ~~⊗~~ They ~~⊗~~ ~~and~~ shall ensure that those authorities have the necessary resources for carrying out their tasks and in particular for replying within the prescribed time limits to requests for information, requests to take charge of and requests to take back asylum seekers.

↓ new

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

↓ 343/2003/EC (adapted)

⇒ new

⦿ Council

- ~~24.~~ Rules relating to the establishment of secure electronic transmission channels between the authorities mentioned in paragraph 1 for transmitting requests ~~⇒~~, replies and all written correspondence ~~⇐~~ and ensuring that senders automatically receive an electronic proof of delivery shall be established in accordance with the procedure referred to in **Article 40(2)~~27(2)~~**.

...

Article ~~27~~40

☒ Committee ☒

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

☒ [...] ☒

3. **Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**
