



Council of the
European Union

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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	15504/22
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Subject:	Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU - Mandate for negotiations with the European parliament (partial)

In document ST 16072/22 INIT, the sequentially numbered footnote should be added and the Article 35a on page 79 should read as follows:

Article 35a¹

Rejection of an application and issuance of a return decision

Where an application is rejected as inadmissible, unfounded or manifestly unfounded with regard to both refugee status and subsidiary protection status, or as implicitly or explicitly withdrawn, Member States shall issue a return decision where required by Directive XXX/XXX/EU [Recast Return Directive] unless a return decision or another decision imposing the obligation to return has already been issued prior to the making lodging of an application for international protection. The return decision shall be issued as part of the decision rejecting the application for international protection or, in a separate act. Where the return decision is issued as a separate act, it shall either be issued and notified together with the decision rejecting the application for international protection or without undue delay thereafter.

¹ The inclusion of this provision is without prejudice to the position the Council will take in the light of the opinion of the Council Legal Service concerning Schengen relevance and variable geometry.