

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] (Text with EEA relevance)**

2020/0279(COD)

07-11-2023

|                            | Commission Proposal                                                                                                                                             | EP Mandate                                                                                                                                                                 | Council Mandate                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                      |
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| II                         |                                                                                                                                                                 |                                                                                                                                                                            |                                                                                                                                                                      |                                                                                                                                                                                                                      |
| 140                        | II PART II                                                                                                                                                      | II PART II                                                                                                                                                                 | <b>PART II PART II COMMON FRAMEWORK FOR ASYLUM AND MIGRATION MANAGEMENT</b>                                                                                          |                                                                                                                                                                                                                      |
| Chapter I                  |                                                                                                                                                                 |                                                                                                                                                                            |                                                                                                                                                                      |                                                                                                                                                                                                                      |
| 140a                       |                                                                                                                                                                 |                                                                                                                                                                            | <b>Chapter I<br/>THE COMPREHENSIVE APPROACH</b>                                                                                                                      |                                                                                                                                                                                                                      |
| Article 3                  |                                                                                                                                                                 |                                                                                                                                                                            |                                                                                                                                                                      |                                                                                                                                                                                                                      |
| 141                        | Article 3<br>Comprehensive approach to asylum and migration management                                                                                          | Article 3<br>Comprehensive approach to asylum and migration management                                                                                                     | Article 3<br>Comprehensive approach to asylum and migration management                                                                                               | Article 3<br>Comprehensive approach to asylum and migration management                                                                                                                                               |
| Article 3, first paragraph |                                                                                                                                                                 |                                                                                                                                                                            |                                                                                                                                                                      |                                                                                                                                                                                                                      |
| 142                        | The Union and the Member States shall take actions in the field of asylum and migration management on the basis of a comprehensive approach. That comprehensive | The Union and the Member States shall take <u>common</u> actions in the field of asylum and migration management on the basis of a comprehensive approach. <del>That</del> | <b>With the overall aim of effectively managing asylum as well as managing migration flows to and between the territories of the Member States, actions taken by</b> | <u><b>1. The common actions taken by</b></u> the Union and the Member States <del>shall take actions</del> in the field of asylum and migration management, <u><b>within their respective competences, shall</b></u> |

|                             | Commission Proposal                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                             | <p>approach shall address the entirety of the migratory routes that affect asylum and migration management and shall consist of the following components:</p> | <p><del>comprehensive approach shall address the entirety of the migratory routes that affect</del> <u>including the principle of integrated policy-making, in compliance with international and Union law, ensuring coherence between</u> asylum and migration management <del>and shall consist</del> <u>policies and consisting</u> of the following components:</p> | <p>the Union and the Member States shall take actions <b>acting within their respective competences</b> in the field of asylum and migration management on the basis of <b>shall be guided by</b> a comprehensive approach. <del>That comprehensive approach shall address</del> <b>addressing</b> the entirety of the relevant migratory routes that affect asylum and migration management and shall <del>consist</del> <b>and consisting of the following components, within the framework of the following components</b> applicable Union law: [...]</p> | <p><u>be based on the principle of solidarity and fair sharing of responsibility as enshrined in Article 80 TFEU</u> on the basis of a comprehensive approach. <del>That comprehensive approach shall address the entirety of the migratory routes that affect,</del> <u>and be guided by the principle of integrated policy-making, in compliance with international and Union law, including fundamental rights, ensuring coherence between</u> asylum and migration management <u>policies in managing migration flows to the Union, addressing the relevant migratory routes, [and unauthorised movements between the Member States], with the overall aim of effectively managing asylum and migration within the framework of the applicable Union law. and shall consist of the following components:</u></p> |
| Article 3, second paragraph |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 142a                        |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><u>2. The Commission, the Council and the Member States shall ensure the consistent implementation of asylum and migration management policies, including both the internal and external components of those policies, in consultation with institutions and agencies responsible for external policies.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                            |
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| Article 3, first paragraph a, point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                            |
| 143                                     | (a) mutually-beneficial partnerships and close cooperation with relevant third countries, including on legal pathways for third-country nationals in need of international protection and for those otherwise admitted to reside legally in the Member States addressing the root causes of irregular migration, supporting partners hosting large numbers of migrants and refugees in need of protection and building their capacities in border, asylum and migration management, preventing and combatting irregular migration and migrant smuggling, and enhancing cooperation on readmission; | <i>deleted</i>                                                                                                                   | (a) mutually-beneficial partnerships and close cooperation with relevant third countries, including on legal pathways for third-country nationals in need of international protection and for those otherwise admitted to reside legally in the Member States, addressing the root causes of irregular migration, supporting partners hosting large numbers of migrants and refugees in need of protection and building their capacities in <b>search and rescue</b> , border, asylum and migration management <b>in full respect of human rights</b> , preventing <del>and combatting</del> [...] irregular migration and <b>combatting</b> migrant smuggling <b>and trafficking in human beings</b> , and enhancing cooperation on readmission; |                                            |
| Article 3, first paragraph a, point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                            |
| 144                                     | (b) close cooperation and mutual partnership among Union institutions and bodies, Member States and international organisations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (b) close cooperation and mutual partnership among Union institutions and bodies, Member States and international organisations; | (b) close cooperation and mutual partnership among Union institutions and bodies, Member States and international organisations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Moved to line 156d<br>Provisionally agreed |

|                                         | Commission Proposal                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                  | Draft Agreement                            |
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| Article 3, first paragraph a, point (c) |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                  |                                            |
| 145                                     | (c) full implementation of the common visa policy;                                                            | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (c) full implementation of the common visa policy;                                                                                                                                                               |                                            |
| Article 3, first paragraph a, point (d) |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                  |                                            |
| 146                                     | (d) effective management and prevention of irregular migration;                                               | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (d) effective management and [...] prevention of irregular migration <b>and combatting of migrant smuggling and trafficking in human beings, while ensuring the right to apply for international protection;</b> | Moved to line 164<br>Provisionally agreed  |
| Article 3, first paragraph a, point (e) |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                  |                                            |
| 147                                     | (e) effective management of the Union's external borders, based on the European integrated border management; | (e) effective management of the Union's external borders, based on the European integrated border management <u>as set out in Article 3 of Regulation (EU) 2019/1896 of the European Parliament and of the Council<sup>1a</sup></u> ;<br><br><u>1a. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).</u> | (e) effective management of the Union's external borders, based on the European integrated border management;                                                                                                    | Moved to line 156e<br>Provisionally agreed |
| Article 3, first paragraph a, point (f) |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                  |                                            |
| 148                                     | (f) full respect of the obligations                                                                           | (f) full respect of the obligations                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (f) full respect of the obligations                                                                                                                                                                              |                                            |

|                                         | Commission Proposal                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement                            |
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|                                         | laid down in international and European law concerning persons rescued at sea;                                                                                                                                           | laid down in international and European law concerning persons rescued at sea;                                                                                                                                                                                                                                | laid down in international and European law concerning persons rescued at sea;                                                                                                                                                                                                                                                                                                                      | Moved to line 156f<br>Provisionally agreed |
| Article 3, first paragraph a, point (g) |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |
| 149                                     | (g) access to procedures for granting and withdrawing international protection on Union territory and recognition of third-country nationals or stateless persons as refugees or beneficiaries of subsidiary protection; | (g) <u>swift</u> access to <u>fair and efficient</u> procedures for granting <del>and withdrawing</del> international protection on Union territory, <u>including at Union borders</u> and recognition of third-country nationals or stateless persons as refugees or beneficiaries of subsidiary protection; | (g) <b>effective</b> access to procedures for granting and withdrawing international protection <del>on Union territory</del> [...] and recognition of third-country nationals or stateless persons as refugees or beneficiaries of subsidiary protection, <b>in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation]</b> ; | Moved to line 156g<br>Provisionally agreed |
| Article 3, first paragraph a, point (h) |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |
| 150                                     | (h) determination of the Member State responsible for the examination of an application for international protection, based on shared responsibility and rules and mechanisms for solidarity;                            | (h) determination of the Member State responsible for the examination of an application for international protection, based on shared responsibility and rules and mechanisms for solidarity, <u>as enshrined in Article 80, TFEU</u> ;                                                                       | (h) determination of the Member State responsible for the examination of an application for international protection, based on <del>shared responsibility and rules and mechanisms for solidarity</del> <b>the principle of solidarity and fair sharing of [...] responsibility [...]</b> ;                                                                                                         | Moved to line 156h<br>Provisionally agreed |
| Article 3, first paragraph a, point (i) |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |
| 151                                     | (i) access for applicants to adequate reception conditions;                                                                                                                                                              | (i) access for applicants to adequate reception conditions, <u>in accordance</u>                                                                                                                                                                                                                              | (i) access for applicants to adequate reception conditions, <b>in accordance</b>                                                                                                                                                                                                                                                                                                                    | Moved to line 156j                         |

|   | Commission Proposal                                                                                                                                            | EP Mandate                                                                                                                                                                   | Council Mandate                                                                                                                                         | Draft Agreement                            |
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|   |                                                                                                                                                                | <u>with the Reception Conditions Directive;</u>                                                                                                                              | with Directive XXX/XXX/EU [Reception Conditions Directive];                                                                                             | Provisionally agreed                       |
|   | Article 3, first paragraph a, point (j)                                                                                                                        |                                                                                                                                                                              |                                                                                                                                                         |                                            |
| Y | 152<br>(j) effective management of the return of illegally staying third-country nationals;                                                                    | (j) <del>effective management of the</del> return of <del>illegally</del> <u>irregularly</u> staying third-country nationals <u>in accordance with the Return Directive;</u> | (j) effective management of the return of illegally staying third-country nationals;                                                                    | Moved to line 156k<br>Provisionally agreed |
|   | Article 3, first paragraph a, point (k)                                                                                                                        |                                                                                                                                                                              |                                                                                                                                                         |                                            |
| Y | 153<br>(k) effective measures to provide incentives for and support to the integration of beneficiaries of international protection in the Member States;      | (k) effective measures to provide incentives for and support to the integration of beneficiaries of international protection in the Member States;                           | (k) effective measures to provide incentives for and support to the integration of beneficiaries of international protection in the Member States;      | Moved to line 156l<br>Provisionally agreed |
|   | Article 3, first paragraph a, point (l)                                                                                                                        |                                                                                                                                                                              |                                                                                                                                                         |                                            |
| Y | 154<br>(l) measures aimed at reducing and tackling the enabling factors of irregular migration to and illegal stay in the Union, including illegal employment; | <i>deleted</i>                                                                                                                                                               | (l) measures aimed at reducing and tackling the enabling factors of irregular migration to and illegal stay in the Union, including illegal employment; | Moved to line 156m<br>Provisionally agreed |
|   | Article 3, first paragraph a, point (m)                                                                                                                        |                                                                                                                                                                              |                                                                                                                                                         |                                            |
| Y | 155<br>(m) full deployment and use of the operational tools set up at Union level, notably the European Border and Coast Guard Agency, the                     | (m) <del>full</del> <u>where applicable,</u> deployment and use of the operational tools set up at Union level, notably the <del>European Border</del>                       | (m) full deployment and use of the operational tools set up at Union level, notably the European Border and Coast Guard Agency, the                     | Moved to line 156n<br>Provisionally agreed |

|                                          | Commission Proposal                                                                              | EP Mandate                                                                                                                              | Council Mandate                                                                                                             | Draft Agreement                                                                                              |
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|                                          | Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems; | <del>and Coast Guard Agency, the Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems;</del> | Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems;                            |                                                                                                              |
| Article 3, first paragraph a, point (n)  |                                                                                                  |                                                                                                                                         |                                                                                                                             |                                                                                                              |
| 156                                      | (n) full implementation of the European framework for preparedness and management of crisis.     | <i>deleted</i>                                                                                                                          | (n) full implementation of the European framework for preparedness and management of crisis.                                | <i>deleted</i><br><i>Will be replaced by a recital</i><br><i>Provisionally agreed</i>                        |
| Article 3, first paragraph a, point (na) |                                                                                                  |                                                                                                                                         |                                                                                                                             |                                                                                                              |
| 156a                                     |                                                                                                  |                                                                                                                                         | (na) effective prevention of unauthorised movements of third country nationals and stateless persons between Member States; | <i>Moved to line 156i</i><br><i>Provisionally agreed</i>                                                     |
| Article 3a                               |                                                                                                  |                                                                                                                                         |                                                                                                                             |                                                                                                              |
| 156b                                     |                                                                                                  |                                                                                                                                         |                                                                                                                             | <u>Article 3a</u><br><u>Internal components of the Comprehensive Approach</u><br><i>Provisionally agreed</i> |
| Article 3a, first paragraph              |                                                                                                  |                                                                                                                                         |                                                                                                                             |                                                                                                              |
| 156c                                     |                                                                                                  |                                                                                                                                         |                                                                                                                             | <u>With a view to achieving the</u>                                                                          |

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|                                           |                     |            |                 | <p><u>objectives set out in Article 3, the internal components of the comprehensive approach shall consist of the following elements:</u></p> <p>Provisionally agreed</p>                                                                                                                                                                                                                                                                                                                                               |
| Article 3a(1), first paragraph, point (a) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 156d                                      |                     |            |                 | <p><u>(a) close cooperation and mutual partnership among Union institutions and bodies, Member States and international organisations;</u></p> <p>Provisionally agreed</p>                                                                                                                                                                                                                                                                                                                                              |
| Article 3a(1), first paragraph, point (b) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 156e                                      |                     |            |                 | <p><u>(b) effective management of the Union's external borders, based on the European integrated border management as set out in Article 3 of Regulation (EU) 2019/1896 of the European Parliament and of the Council<sup>1</sup>;</u></p> <p><u>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).</u></p> <p>Provisionally agreed</p> |

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| Article 3a(1), first paragraph, point (c) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| y                                         | 156f                |            |                 | <div><u>(c) full respect of the obligations laid down in international and European law concerning persons rescued at sea;</u></div> <div>Provisionally agreed</div>                                                                                                                                                                                                                                                                                                                                                                                 |
| Article 3a(1), first paragraph, point (d) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| y                                         | 156g                |            |                 | <div><u>(d) swift and effective access to fair and efficient procedure for international protection on the Union territory, including at the external border of Member States, in the territorial sea or in the transit zones of the Member States and recognition of third-country nationals or stateless persons as refugees or beneficiaries of subsidiary protection, in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation];</u></div> <div>Provisionally agreed</div> |
| Article 3a(1), first paragraph, point (e) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| y                                         | 156h                |            |                 | <div><u>(e) determination of the Member State responsible for the examination of an application for</u></div>                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|   | Commission Proposal                       | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                              |
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|   |                                           |            |                 | <u>international protection;</u><br>Provisionally agreed                                                                                                                     |
|   | Article 3a(1), first paragraph, point (f) |            |                 |                                                                                                                                                                              |
| Y | 156i                                      |            |                 | <u>(f) effective measures to reduce incentives for and to prevent unauthorised movements of third country nationals and stateless persons between Member States;</u>         |
|   | Article 3a(1), first paragraph, point (g) |            |                 |                                                                                                                                                                              |
| Y | 156j                                      |            |                 | <u>(g) access for applicants to adequate reception conditions, in accordance with Directive XXX/XXX/EU [Reception Conditions Directive];</u><br>Provisionally agreed         |
|   | Article 3a(1), first paragraph, point (h) |            |                 |                                                                                                                                                                              |
| Y | 156k                                      |            |                 | <u>(h) [effective management of the] return of [irregularly /illegally] staying third-country nationals in accordance with the Return Directive;</u><br>Provisionally agreed |
|   | Article 3a(1), first paragraph, point (i) |            |                 |                                                                                                                                                                              |

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|              |                                                                                                                                                                                                                                                                                                                      |            | Alternative text replacing Article 4 has been placed in recital 6.            |                      |
| Article 4(1) |                                                                                                                                                                                                                                                                                                                      |            |                                                                               |                      |
| 158          | 1. The Union and Member States shall ensure coherence of asylum and migration management policies, including both the internal and external components of those policies.                                                                                                                                            | deleted    | deleted<br>Alternative text replacing Article 4 has been placed in recital 6. | Provisionally agreed |
| Article 4(2) |                                                                                                                                                                                                                                                                                                                      |            |                                                                               |                      |
| 159          | 2. The Union and Member States acting within their respective competencies shall be responsible for the implementation of the asylum and migration management policies.                                                                                                                                              | deleted    | deleted<br>Alternative text replacing Article 4 has been placed in recital 6. | Provisionally agreed |
| Article 4(3) |                                                                                                                                                                                                                                                                                                                      |            |                                                                               |                      |
| 160          | 3. Member States, with the support of Union Agencies, shall ensure that they have the capacity to effectively implement asylum and migration management policies, taking into account the comprehensive approach referred to in Article 3, including the necessary human and financial resources and infrastructure. | deleted    | deleted<br>Alternative text replacing Article 4 has been placed in recital 6. | Provisionally agreed |
| Article 4a   |                                                                                                                                                                                                                                                                                                                      |            |                                                                               |                      |

|                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |
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| 160a                         |                     | <u><a href="#">Article 4a</a></u><br><u><a href="#">A long-term European Asylum and Migration Management Strategy</a></u>                                                                                                                                                                                                                                                                                                                                                                                  |                 |                 |
| Article 4a, first paragraph  |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 160b                         |                     | <u><a href="#">The Commission shall adopt a five-year European Asylum and Migration Management Strategy (the 'Strategy') setting out the strategic approach to ensure access to asylum procedures and the functioning and implementation of asylum and migration policies at Union level, in accordance with the principles set out in this Part and in Union primary law and applicable international law. The Commission shall transmit the Strategy to the European Parliament and the Council.</a></u> |                 |                 |
| Article 4a, second paragraph |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 160c                         |                     | <u><a href="#">The first Strategy shall be adopted by ... [18 months after the entry of this Regulation] and every five years thereafter.</a></u>                                                                                                                                                                                                                                                                                                                                                          |                 |                 |
| Article 4a, third paragraph  |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |                 |
| 160d                         |                     | <u><a href="#">The Strategy shall include the</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |

|                                        | Commission Proposal | EP Mandate                                                                                                                                                                                                             | Council Mandate | Draft Agreement |
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|                                        |                     | <u>components listed in Article 3, and also take into account:</u>                                                                                                                                                     |                 |                 |
| Article 4a, third paragraph, point (a) |                     |                                                                                                                                                                                                                        |                 |                 |
| 160e                                   |                     | <u>(a) the implementation of the national asylum and migration management strategies of the Member States, referred to in Article 5, and their compliance with Union and international law;</u>                        |                 |                 |
| Article 4a, third paragraph, point (b) |                     |                                                                                                                                                                                                                        |                 |                 |
| 160f                                   |                     | <u>(b) relevant information gathered by the Commission under the Commission Recommendation No XXX on an European Preparedness and Crisis Management Mechanism (the 'Migration Preparedness and Crisis Blueprint');</u> |                 |                 |
| Article 4a, third paragraph, point (c) |                     |                                                                                                                                                                                                                        |                 |                 |
| 160g                                   |                     | <u>(c) information collected by the Commission and the Asylum Agency on implementation of the asylum acquis;</u>                                                                                                       |                 |                 |
| Article 4a, third paragraph, point (d) |                     |                                                                                                                                                                                                                        |                 |                 |
| 160h                                   |                     | <u>(d) information gathered from the</u>                                                                                                                                                                               |                 |                 |

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|                                        |                     | <u>European External Action Service and relevant Union bodies, offices and agencies, in particular reports by the Asylum Agency, European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights;</u> |                 |                                                                           |
| Article 4a, third paragraph, point (e) |                     |                                                                                                                                                                                                                                   |                 |                                                                           |
| 160i                                   |                     | <u>(e) any other relevant information, including from Member States, monitoring authorities, international organisations, and any other relevant body and organisations;</u>                                                      |                 |                                                                           |
| Article 4a, third paragraph, point (f) |                     |                                                                                                                                                                                                                                   |                 |                                                                           |
| 160j                                   |                     | <u>(f) the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights.</u>                                                                                                                |                 |                                                                           |
| Article 4a                             |                     |                                                                                                                                                                                                                                   |                 |                                                                           |
| 160k                                   |                     | <u>Article 4b</u><br><u>Annual Situational Report</u>                                                                                                                                                                             |                 | Moved to Article 7a (line 184q and following)<br><br>Provisionally agreed |
| Article 4a(1), first subparagraph      |                     |                                                                                                                                                                                                                                   |                 |                                                                           |

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| Y                                             | 160l                | <u>1. The Commission shall monitor and provide information on the asylum, reception and migratory situation over the previous 12 month period as a whole through annual situational reports based on qualitative data and information provided by the Member States, the European External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, the European Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Fundamental Rights, and other relevant bodies, offices, agencies or organisations. The Commission shall transmit the annual situational reports to the European Parliament and the Council by [...] of each year.</u> | PUBLIC          | Moved and covered in lines 168j, 184r, 184s and 184as<br><br>Provisionally agreed |
| Article 4a(1), second subparagraph            |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                   |
| Y                                             | 160m                | <u>The annual situational reports shall include:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 | Moved to line 184t<br><br>Provisionally agreed                                    |
| Article 4a(1), second subparagraph, point (a) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                   |
| Y                                             | 160n                | <u>(a) the total number of applications for international protection and the nationalities of the applicants.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 | Moved to line 184v                                                                |

|   | Commission Proposal                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement                             |
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|   |                                               | <u>including the numbers of applications lodged by unaccompanied minors and other vulnerable persons;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 | Provisionally agreed                        |
|   | Article 4a(1), second subparagraph, point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                             |
| y | 160o                                          | <u>(b) the reception capacity of the Member States;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 | Moved to line 184z<br>Provisionally agreed  |
|   | Article 4a(1), second subparagraph, point (c) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                             |
| y | 160p                                          | <u>(c) the number of third-country<sup>1a</sup> nationals who have been identified by Member States authorities that do not fulfil the conditions for entry, stay or residence in the Member State, including overstayers within the meaning of Article 3(1), point (19), of Regulation (EU) 2017/2226 of the European Parliament and of the Council<sup>1a</sup>;</u><br><br><u>1a. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC)</u> |                 | Moved to line 184aa<br>Provisionally agreed |

|   | Commission Proposal                           | EP Mandate                                                                                                                                                                                                        | Council Mandate | Draft Agreement                             |
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|   |                                               | <a href="#"><u>No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).</u></a>                                                                                                                            |                 |                                             |
|   | Article 4a(1), second subparagraph, point (d) |                                                                                                                                                                                                                   |                 |                                             |
| y | 160q                                          | <a href="#"><u>(d) the number of return decisions issued by the Member States and the number of third-country nationals who left the territory of the Member States in accordance with a return decision;</u></a> |                 | Moved to line 184ab<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (e) |                                                                                                                                                                                                                   |                 |                                             |
| y | 160r                                          | <a href="#"><u>(e) the number of third-country nationals admitted by the Member States through resettlement or humanitarian admission schemes;</u></a>                                                            |                 | Moved to line 184ac<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (f) |                                                                                                                                                                                                                   |                 |                                             |
| y | 160s                                          | <a href="#"><u>(f) the number of incoming and outgoing take charge or take back requests, the number of transfer decisions and the numbers of transfers carried out in accordance with this Regulation;</u></a>   |                 | Moved to line 184ae<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (g) |                                                                                                                                                                                                                   |                 |                                             |
| y | 160t                                          | <a href="#"><u>(g) the number and nationality of third-country nationals disembarked following search and</u></a>                                                                                                 |                 | Moved to line 184af                         |

|   | Commission Proposal                           | EP Mandate                                                                                                                                                                      | Council Mandate | Draft Agreement                             |
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|   |                                               | <u>rescue operations and activities, and the number of applications for international protection lodged by those third-country nationals;</u>                                   |                 | Provisionally agreed                        |
|   | Article 4a(1), second subparagraph, point (h) |                                                                                                                                                                                 |                 |                                             |
| y | 160u                                          | <u>(h) the Member States which experienced recurring arrivals by sea, in particular through disembarkations following search and rescue operations and activities;</u>          |                 | Moved to line 184ag<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (i) |                                                                                                                                                                                 |                 |                                             |
| y | 160v                                          | <u>(i) the number of third-country nationals subject to the border procedure provided for in Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and their nationalities;</u> |                 | Moved to line 184ad<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (j) |                                                                                                                                                                                 |                 |                                             |
| y | 160w                                          | <u>(j) the support provided by Union bodies, offices and agencies to the benefitting Member States;</u>                                                                         |                 | Moved to line 184al<br>Provisionally agreed |
|   | Article 4a(1), second subparagraph, point (k) |                                                                                                                                                                                 |                 |                                             |
| y | 160x                                          | <u>(k) an annual evaluation of the</u>                                                                                                                                          |                 |                                             |

|                                    | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement      |
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|                                    |                     | <u>implementation of the Strategy.</u>                                                                                                                                                                                                                                                                                                                                                                                                                         |                 | Provisionally agreed |
| Article 4a(2)                      |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                      |
| 160y                               |                     | <u>2. In addition to the annual situational reports, the Commission shall, where necessary or upon request, provide information to the European Parliament and to the Council on the asylum, reception and migratory situation.</u>                                                                                                                                                                                                                            |                 | Provisionally agreed |
| Article 4c                         |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                      |
| 160z                               |                     | <u>Article 4c</u><br><u>Projected Annual Solidarity Needs</u>                                                                                                                                                                                                                                                                                                                                                                                                  |                 |                      |
| Article 4c(1), first subparagraph  |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                      |
| 160aa                              |                     | <u>1. The Commission shall, together with the transmission of the annual situational report as referred to in Article 4b, adopt a delegated act in accordance with Article 68, setting out the anticipated evolution of the migratory situation in the Member States and anticipated number of arrivals, including arrivals by sea, in particular through disembarkation following search and rescue operations or activities, in the following 12 months.</u> |                 |                      |
| Article 4c(1), second subparagraph |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                      |

|                                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement |  |
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| 160ab                                        |                     | <u>That delegated act shall also identify the Member States that experienced recurring arrivals by sea, in particular through disembarkation following search and rescue operations or activities in the previous 12 months.</u>           | PUBLIC          |                 |  |
| Article 4c(2), first subparagraph            |                     |                                                                                                                                                                                                                                            |                 |                 |  |
| 160ac                                        |                     | <u>2. Where the Commission anticipates that one or more Member States could face a situation of migratory pressure, the delegated act shall also, for the upcoming year, set out the projected annual solidarity needs in the form of:</u> |                 |                 |  |
| Article 4c(2), first subparagraph, point (a) |                     |                                                                                                                                                                                                                                            |                 |                 |  |
| 160ad                                        |                     | <u>(a) the total number of required relocations pursuant to Article 45(1), points (a) and (c);</u>                                                                                                                                         |                 |                 |  |
| Article 4c(2), first subparagraph, point (b) |                     |                                                                                                                                                                                                                                            |                 |                 |  |
| 160ae                                        |                     | <u>(b) the total number of required relocations allocated for applicants arriving by sea, in particular through disembarkation following search and rescue operations or activities;</u>                                                   |                 |                 |  |

|                                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                         | Council Mandate | Draft Agreement |
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| Article 4c(2), first subparagraph, point (c) |                     |                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 160af                                        |                     | <u>(c) the total need of capacity-building measures pursuant to Article 45(2a).</u>                                                                                                                                                                                                                                                                                |                 |                 |
| Article 4c(2), second subparagraph           |                     |                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 160ag                                        |                     | <u>The delegated act shall give priority to measures set out in Article 45(1).</u>                                                                                                                                                                                                                                                                                 |                 |                 |
| Article 4c(2), third subparagraph            |                     |                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 160ah                                        |                     | <u>The Commission shall consult with the Member State of Member States identified.</u>                                                                                                                                                                                                                                                                             |                 |                 |
| Article 4c(3)                                |                     |                                                                                                                                                                                                                                                                                                                                                                    |                 |                 |
| 160ai                                        |                     | <u>3. Where a Member State is identified as having experienced recurring arrivals by sea, in particular through disembarkation following search and rescue operations or activities in the previous 12 months, the Commission shall, for the purpose of paragraph 2, in any case consider that that Member State could face a situation of migratory pressure.</u> |                 |                 |

|                                    | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement |  |
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| Article 4c(4), first subparagraph  |                     |                                                                                                                                                                                                                                                                                                                                           |                 |                 |  |
| 160aj                              |                     | <u>4. The Commission shall review the evolution of the migratory situation six months after the adoption of the delegated act, taking into account qualitative data and information from relevant agencies, bodies, offices, agencies or organisations.</u>                                                                               | PUBLIC          |                 |  |
| Article 4c(4), second subparagraph |                     |                                                                                                                                                                                                                                                                                                                                           |                 |                 |  |
| 160ak                              |                     | <u>The Commission shall transmit the review to the European Parliament and to the Council.</u>                                                                                                                                                                                                                                            |                 |                 |  |
| Article 4c(5)                      |                     |                                                                                                                                                                                                                                                                                                                                           |                 |                 |  |
| 160al                              |                     | <u>5. Where necessary, the Commission shall amend the delegated act by adjusting the anticipated number of arrivals, including by sea, in particular through disembarkation following search and rescue operations or activities, the projected annual solidarity needs as well as the indication as regards their type and increase.</u> |                 |                 |  |
| Article 5                          |                     |                                                                                                                                                                                                                                                                                                                                           |                 |                 |  |
| 161                                | Article 5           | Article 5                                                                                                                                                                                                                                                                                                                                 | Article 5       | Article 5       |  |

|                          | Commission Proposal                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                  |
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|                          | Principle of solidarity and fair sharing of responsibility                                                                                                                                                                                                                                      | Principle of solidarity and fair sharing <del>efor</del> responsibility <u>and the duties of the Member States</u>                                                                                                                                                                                                                                   | Principle of solidarity and fair sharing of responsibility                                                                                                                                                                                                                                                                                        | Principle of solidarity and fair sharing of responsibility<br>Provisionally agreed                                                                                                                                                                                                                                                                                                               |
| Article 5(1)             |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |
| 162                      | 1. In implementing their obligations, the Member States shall observe the principle of solidarity and fair sharing of responsibility and shall take into account the shared interest in the effective functioning of the Union's asylum and migration management policies. Member States shall: | 1. In implementing their obligations, the Member States shall observe the principle of solidarity and fair sharing of responsibility <u>as enshrined in Article 80, TFEU</u> , and shall take into account the shared interest in the effective functioning of the Union's asylum and migration management policies. <del>Member States shall:</del> | 1. In implementing their obligations, the <b>Union, the Member States and the relevant Union Agencies</b> shall observe the principle of solidarity and fair sharing of responsibility and shall take into account the shared interest in the effective functioning of the Union's asylum and migration management policies. Member States shall: | 1. In implementing their obligations, the <u>Union and the Member States</u> shall observe the principle of solidarity and fair sharing of responsibility <u>as enshrined in Article 80 TFEU</u> , and shall take into account the shared interest in the effective functioning of the Union's asylum and migration management policies. <del>Member States shall:</del><br>Provisionally agreed |
| Article 5(1), point (-a) |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |
| 162a                     |                                                                                                                                                                                                                                                                                                 | <u>1a. In fulfilling their duties, Member States shall:</u>                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                   | <u>(1a) In fulfilling their obligations, Member States shall cooperate closely and shall:</u><br>Provisionally agreed                                                                                                                                                                                                                                                                            |
| Article 5(1), point (a)  |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                  |
| 163                      | (a) establish and maintain national asylum and migration management systems that provide access to                                                                                                                                                                                              | (a) establish and maintain national asylum and migration management systems that provide access to                                                                                                                                                                                                                                                   | (a) establish and maintain national asylum and migration management systems that provide <b>effective</b> access                                                                                                                                                                                                                                  | (a) establish and maintain national asylum and migration management systems that provide <u>effective</u> access                                                                                                                                                                                                                                                                                 |

|                          | Commission Proposal                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                          | international protection procedures, grant such protection to those who are in need and ensure the return of those who are illegally staying; | international <u>and national</u> protection procedures, <u>provide and invest in adequate reception and</u> grant such protection to those who are in need and ensure the <u>effective and dignified</u> return of those who are <del>illegally</del> <u>irregularly</u> staying; | to international protection procedures, grant such protection to those who are in need, [...] <del>and</del> ensure <b>efficient management of migration flows</b> and the return of those who are illegally staying; | to international <u>[and national]</u> protection procedures, grant such protection to those who are in need, <u>and the effective and dignified</u> <del>and ensure the</del> return of those who are illegally staying, <u>in accordance with the Return Directive, and provide and invest in adequate reception of applicants for international protection, in accordance with the Reception Conditions Directive;</u><br><br>Provisionally agreed (upon deletion of text in [ ] |
| Article 5(1), point (aa) |                                                                                                                                               |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| y                        | 163a                                                                                                                                          | <u>(aa) ensure that sufficient funding and qualified and well-trained staff is allocated in all circumstances and, where they consider it necessary or where applicable, request support from Union bodies, offices and agencies for that purpose;</u>                             |                                                                                                                                                                                                                       | <u>(aa) ensure that necessary resources and [qualified and well-trained staff] are allocated for the implementation of this Regulation and, where they consider it necessary or where applicable, request support from Union bodies, offices and agencies for that purpose;</u><br><br>Horizontal terminology                                                                                                                                                                       |
| Article 5(1), point (b)  |                                                                                                                                               |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| y                        | 164                                                                                                                                           | (b) take all measures necessary and proportionate, <u>in full compliance with fundamental rights,</u> to reduce and prevent irregular migration,                                                                                                                                   | (b) take all measures necessary and proportionate to <del>reduce and prevent</del> <b>prevent and reduce</b> [...] irregular migration to the territories                                                             | (b) take all measures necessary and proportionate, <u>in full compliance with fundamental rights, to prevent and reduce</u> <del>to reduce and prevent</del>                                                                                                                                                                                                                                                                                                                        |

|                         | Commission Proposal                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                          |
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|                         | cooperation and partnership with relevant third countries, including as regards the prevention and fight against migrant smuggling;                                                                                                                                                | <u>including the prevention and fight against migrant smuggling and human trafficking, whilst protecting the rights of smuggled and trafficked people</u> <del>to the territories of the Member States, in close cooperation and partnership with relevant third countries, including as regards the prevention and fight against migrant smuggling;</del> | of the Member States, in close cooperation and partnership with relevant third countries, including as regards the prevention and fight against migrant smuggling;                                                                                                                 | irregular migration to the territories of the Member States, <del>in close cooperation and partnership with relevant third countries, including as regards the prevention and fight against migrant smuggling</del> <u>including preventing and combating migrant smuggling and trafficking in human beings and protecting the rights of smuggled and trafficked people;</u><br><br>Provisionally agreed |
| Article 5(1), point (c) |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                          |
| 165                     | (c) apply correctly and expeditiously the rules on the determination of the Member State responsible for examining an application for international protection and, where necessary, carry out the transfer to the Member State responsible pursuant to Chapters I-VI of Part III; | (c) apply correctly and expeditiously the rules on the determination of the Member State responsible for examining an application for international protection and, where necessary, carry out the transfer to the Member State responsible pursuant to Chapters I-VI of Part III <u>and Chapter I of Part IV;</u>                                         | (c) apply correctly and expeditiously the rules on the determination of the Member State responsible for examining an application for international protection and, where necessary, carry out the transfer to the Member State responsible pursuant to Chapters I-VI of Part III; | (c) apply correctly and expeditiously the rules on the determination of the Member State responsible for examining an application for international protection and, where necessary, carry out the transfer to the Member State responsible pursuant to Chapters I-VI of Part III <u>[and Chapter I of Part IV];</u>                                                                                     |
| Article 5(1), point (d) |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                          |
| 166                     | (d) provide support to other Member States in the form of solidarity contributions on the basis of needs set out in Chapters I-III of Part IV;                                                                                                                                     | (d) provide <u>effective</u> support to other Member States in the form of solidarity contributions on the basis of needs set out in Chapters I-III of Part IV;                                                                                                                                                                                            | (d) provide <b>effective</b> support to other Member States in the form of solidarity contributions on the basis of needs set out in Chapters I-III of Part IV;                                                                                                                    | (d) provide <u>effective</u> support to other Member States in the form of solidarity contributions on the basis of needs set out in <del>Chapters I-III of Part IV</del> <u>[Part II/Part IV];</u>                                                                                                                                                                                                      |

|                                   | Commission Proposal | EP Mandate                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                        |
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| Article 5(1), point (e)           |                     |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                        |
| Y                                 | 167                 | (e) take all reasonable and proportionate measures to prevent and correct unauthorised movements between Member States. | deleted                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (e) <del>[take effective]</del> <del>take all reasonable and proportionate measures to prevent and correct</del> <u>reduce incentives for and to prevent</u> unauthorised movements <u>of third country nationals and stateless persons</u> between <u>the</u> Member States. <u>l</u> |
| Article 5(1), point (ea)          |                     |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                        |
| Y                                 | 167a                |                                                                                                                         | <u>1b. When implementing their obligations under paragraph 1a, Member States shall cooperate closely.</u>                                                                                                                                                                                                                                                                                                                                                                  | Moved to line 162a<br><br>Provisionally agreed                                                                                                                                                                                                                                         |
| Article 5(1a), first subparagraph |                     |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                        |
| Y                                 | 167b                |                                                                                                                         | <u>1c. Member States shall have national strategies in place that establish the strategic approach to ensure they have the capacity to effectively implement their asylum and migration management system, in full compliance with their obligations under Union and international law, taking into account their specific situation, especially their geographical location. The Commission and relevant Union bodies, offices and agencies, in particular the Asylum</u> | Moved to line 168b<br><br>Provisionally agreed                                                                                                                                                                                                                                         |

|                                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate | Draft Agreement                                |
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|                                              |                     | <u>Agency shall, within their respective mandates, be able to support the Member States when establishing their national strategies. Those strategies shall, at least, include:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |                                                |
| Article 5(1a), first subparagraph, point (a) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                                                |
| 167c                                         |                     | <u>(a) preventive measures to reduce the risk of migratory pressure and contingency planning, taking into account the contingency planning pursuant to Regulation (EU) 2021/2303 of the European Parliament and of the Council<sup>1a</sup>, Regulation (EU) 2019/1896 and Directive (EU) XXX/XXX [Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint;</u><br><br><u>1a. Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1).</u> |                 | Moved to line 168c<br><br>Provisionally agreed |
| Article 5(1a), first subparagraph, point (b) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                                                |
| 167d                                         |                     | <u>(b) information on how the Member States implement the principles set out in this Part and</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 | Moved to line 168d                             |

|                                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate | Draft Agreement                            |
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|                                              |                     | <u>legal obligations stemming therefrom at national level;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 | Provisionally agreed                       |
| Article 5(1a), first subparagraph, point (c) |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                                            |
| 167e                                         |                     | <u>(c) the results of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency, of the evaluation carried out in accordance with Regulation (EU) 2022/922 as well as of the monitoring carried out in accordance with Article 7 of Regulation (EU) XXX/XXX [Screening Regulation].</u>                                                                                                                                                                                           |                 | Moved to line 168e<br>Provisionally agreed |
| Article 5(1a), second subparagraph           |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                                            |
| 167f                                         |                     | <u>The national strategies shall take into account other relevant strategies and existing support measures in particular those support measures under Regulation (EU) 2021/1147 of the European Parliament and of the Council<sup>1b</sup> and Regulation (EU) 2021/2303 and be coherent with and complementary to the national strategies for European integrated border management established in accordance with Article 8(6) of Regulation (EU) 2019/1896.</u><br><br><u>1b. Regulation (EU) 2021/1147 of the</u> |                 | Moved to line 168f<br>Provisionally agreed |

|   | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement                            |
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|   |                     | <a href="#"><u>European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1).</u></a>                                                                                         |                 |                                            |
|   | Article 5(1b)       |                                                                                                                                                                                                                                                           |                 |                                            |
| y | 167g                | <a href="#"><u>When establishing their national strategies, Member States shall consult local and regional authorities.</u></a>                                                                                                                           |                 | Moved to line 168g                         |
|   | Article 5(1c)       |                                                                                                                                                                                                                                                           |                 |                                            |
| y | 167h                | <a href="#"><u>Member States shall transmit their national asylum and migration management strategies to the Commission six months before the adoption of the Strategy as referred to in Article 4a.</u></a>                                              |                 | Moved to line 168h<br>Provisionally agreed |
|   | Article 5(2)        |                                                                                                                                                                                                                                                           |                 |                                            |
| y | 168                 | 2. Financial and operational support by the Union for the implementation of the obligations shall be provided in accordance with the Regulation (EU) XXX/XXX [Asylum and Migration Fund] and Regulation (EU) XXX/XXX [Integrated Border Management Fund]. | deleted         | Moved to line 168i<br>Provisionally agreed |

|                                   | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                 | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                   |                     | <u><a href="#">1a. Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).</a></u> |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Article 5a                        |                     |                                                                                                                                                                                                                                                                                            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 168a                              |                     |                                                                                                                                                                                                                                                                                            |                 | <u><a href="#">Article 5a</a></u><br><u><a href="#">Strategic approach to managing asylum and migration at national level</a></u><br><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                               |
| Article 5a(1), first subparagraph |                     |                                                                                                                                                                                                                                                                                            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 168b                              |                     |                                                                                                                                                                                                                                                                                            |                 | <u><a href="#">1. Member States shall have national strategies in place that establish the strategic approach to ensure they have the capacity to effectively implement their asylum and migration management system, in full compliance with their obligations under Union and international law, taking into account their specific situation, in particular their geographical location.</a></u><br><br><u><a href="#">When establishing their national strategies, Member States may consult the Commission and</a></u> |

|                                              | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                              |                     |            |                 | <u>relevant Union bodies, offices and agencies, in particular the Asylum Agency ], as well as regional and local authorities, as appropriate] and in accordance with national law. Those strategies shall, at least, include:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Article 5a(1), first subparagraph, point (a) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 168c                                         |                     |            |                 | <p><u>(a) preventive measures to reduce the risk of migratory pressure and contingency planning, taking into account the contingency planning pursuant to Regulation (EU) 2021/2303 of the European Parliament and of the Council, Regulation (EU) 2019/1896<sup>1</sup> and Directive (EU) XXX/XXX [Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint;</u></p> <p><u>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).</u></p> <p>Provisionally agreed</p> |
| Article 5a(1), first subparagraph, point (b) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 168d                                         |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                              | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                              |                     |            |                 | <p><u>(b) information on how the Member States implement the principles set out in this Part and legal obligations stemming therefrom at national level;</u></p> <p>Provisionally agreed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Article 5a(1), first subparagraph, point (c) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 168e                                         |                     |            |                 | <p><u>(c) information on how the results of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency, of the evaluation carried out in accordance with Regulation (EU) 2022/922<sup>1</sup> as well as of the monitoring carried out in accordance with Article 7 of Regulation (EU) XXX/XXX [Screening Regulation] have been taken into account.</u></p> <p><u>1. Council Regulation (EU) Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013.</u></p> <p>Provisionally agreed</p> |
| Article 5a(1), second subparagraph           |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 168f                                         |                     |            |                 | <p><u>2. The national strategies shall</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|   | Commission Proposal                | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|   |                                    |            |                 | <p><u>take into account other relevant strategies and existing support measures in particular those support measures under Regulation (EU) 2021/1147 of the European Parliament and of the Council<sup>1</sup> and Regulation (EU) 2021/2303 and be coherent with and complementary to the national strategies for European integrated border management established in accordance with Article 8(6) of Regulation (EU) 2019/1896.</u></p> <p><u>1. Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (OJ L 251, 15.7.2021, p. 1).</u></p> <p>Provisionally agreed</p> |
|   | Article 5a(3), third subparagraph  |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Y | 168g                               |            |                 | <p><u>3.</u></p> <p>moved to 168b</p> <p>Provisionally agreed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|   | Article 5a(1), fourth subparagraph |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Y | 168h                               |            |                 | <p><u>4. Member States shall transmit their national asylum and migration management strategies to the Commission [six months before</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|               | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|               |                     |            |                 | <p><u>the adoption of the Strategy as referred to in Article 5b).</u></p> <p>Provisionally agreed (pending agreement on EU Str)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Article 5a(2) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 168i          |                     |            |                 | <p><u>5. Financial and operational support by the Union for implementation of the obligations, including operational support from its agencies, shall be provided in accordance with the Regulation (EU) 2021/2303, Regulation (EU) 2019/1986, Regulation (EU) 2021/1147 and Regulation (EU) 2021/1148<sup>1</sup>.</u></p> <p><u>1. Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy (OJ L 251, 15.7.2021, p. 48).</u></p> <p>Provisionally agreed</p> |
| Article 5a(3) |                     |            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 168j          |                     |            |                 | <p><u>6. The Commission shall monitor and provide information on the migratory situation through regular situational reports based on data and information provided by the</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|               | Commission Proposal                                               | EP Mandate     | Council Mandate                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                      |
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|               |                                                                   |                |                                                                                         | <u>External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, Europol and the Fundamental Rights Agency and notably the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and its Network and information provided by Member States where necessary.</u><br><br>Provisionally agreed                         |
| Article 5a(4) |                                                                   |                |                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                      |
| 168k          |                                                                   |                |                                                                                         | <u>7. The Commission shall, by means of implementing acts, establish a template to be used by Member States to ensure that their national strategies are comparable on specific core elements, such as the contingency planning. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).</u><br><br>Provisionally agreed |
| Article 6     |                                                                   |                |                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                      |
| 169           | Article 6<br>Governance and monitoring of the migratory situation | <i>deleted</i> | Article 6<br><del>Governance</del> Strategic governance and monitoring of the migratory |                                                                                                                                                                                                                                                                                                                                                                                      |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate     | Council Mandate                                                | Draft Agreement |
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|                         |                                                                                                                                                                                                                                                                                                                                                                                           |                | <del>situation and monitoring of the migratory situation</del> |                 |
| Article 6(1)            |                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                |                 |
| 170                     | 1. The Commission shall adopt a European Asylum and Migration Management Strategy setting out the strategic approach to managing asylum and migration at Union level and on the implementation of asylum and migration management policies in accordance with the principles set out in this Part. The Commission shall transmit the Strategy to the European Parliament and the Council. | <i>deleted</i> | <i>deleted</i>                                                 |                 |
| Article 6(2)            |                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                |                 |
| 171                     | 2. The European Asylum and Migration Management Strategy shall take into account the following:                                                                                                                                                                                                                                                                                           | <i>deleted</i> | <i>deleted</i>                                                 |                 |
| Article 6(2), point (a) |                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                |                 |
| 172                     | (a) the national strategies of the Member States referred to paragraph 3 of this Article;                                                                                                                                                                                                                                                                                                 | <i>deleted</i> | <i>deleted</i>                                                 |                 |
| Article 6(2), point (b) |                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                |                 |
| 173                     | (b) information gathered by the                                                                                                                                                                                                                                                                                                                                                           |                |                                                                |                 |

|                         | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EP Mandate     | Council Mandate | Draft Agreement |
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|                         | Commission under the Commission Recommendation No XXX on an EU Migration Preparedness and Crisis Management Mechanism hereinafter referred to as Migration Preparedness and Crisis Blueprint; the reports issued under that framework as well as the activities of the Migration Preparedness and Crisis Management Network;                                                                                                                                                                                                                                         | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 6(2), point (c) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 174                     | (c) relevant reports and analyses from Union agencies;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 6(2), point (d) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |
| 175                     | <p>(d) information gathered in the course of evaluations undertaken in the Schengen evaluation and monitoring mechanism in accordance with Article 4 of Regulation (EU) No 1053/2013<sup>1</sup>.</p> <p>1. Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.</p> | <i>deleted</i> | <i>deleted</i>  |                 |
| Article 6(3)            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                 |                 |

|     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement             |
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| 176 | <p>3. Member States shall have national strategies in place to ensure sufficient capacity for the implementation of an effective asylum and migration management system in accordance with the principles set out in this Part. Those strategies shall include contingency planning at national level, taking into account the contingency planning pursuant to Regulation (EU) XXX/XXX [European Union Asylum Agency], Regulation (EU) 2019/1896<sup>1</sup> (European Border and Coast Guard Agency) and Directive XXX/XXX/EU [Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint. Such national strategies shall include information on how the Member State is implementing the principles set out in this Part and legal obligations stemming therefrom at national level. They shall take into account other relevant strategies and existing support measures notably under Regulation (EU) XXX/XXX [Asylum and Migration Fund] and Regulation (EU) XXX/XXX [European Union Asylum Agency] and be coherent with and complementary to the national strategies for integrated border management established in</p> | <p><i>deleted</i></p> | <p>3. Member States shall have national strategies <del>in place</del><b>setting out the strategic approach to managing asylum and migration at national level and [...]</b> to ensure sufficient capacity for the implementation of an effective asylum and migration management system in accordance with the principles set out in this Part. Those strategies shall include contingency planning at national level, taking into account the contingency planning pursuant to Regulation (EU) <del>XXX/XXX [European Union Asylum Agency]</del><b>2021/2303 [...]</b>, Regulation (EU) 2019/1896<sup>+</sup> (European Border and Coast Guard Agency) [...] and Directive XXX/XXX/EU [<b>Reception Conditions Directive</b>Reception Conditions Directive] and the reports of the Commission issued within the framework of the Migration Preparedness and Crisis Blueprint. Such national strategies shall include <del>information on how the Member State is implementing</del><b>relevant information as regards [...]</b> the principles set out in this Part <del>and legal obligations stemming therefrom at national level</del>[...]. They shall take into account other relevant strategies and existing support measures notably under Regulation (EU) <del>XXX/XXX [Asylum and</del></p> | <p>Provisionally agreed</p> |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                                       |
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|              | <p>accordance with Article 8(6) of Regulation (EU) 2019/1896. The results of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency, of the evaluation carried out in accordance with Council Regulation No 1053/2013 as well as those carried out in line with Article 7 of Regulation (EU) XXX/XXX [Screening Regulation], should also be taken into account in these strategies.</p> <p>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019, p. 1.</p> |                | <p><del>Migration Fund</del>2021/1147 [...] and Regulation (EU) XXX/XXX [<del>European Union Asylum Agency</del>2021/2303 [...] and be coherent with and complementary to the <b>relevant</b> national strategies for integrated border management established in accordance with Article 8(6) of Regulation (EU) 2019/1896.</p> <p>The results of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency, of the evaluation carried out in accordance with Council Regulation No 1053/2013 as well as those carried out in line with Article 7 of Regulation (EU) XXX/XXX [<b>Screening Regulation</b>], <del>should</del><b>shall</b> also be taken into account in these strategies.</p> <p><del>1. Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019, p. 1.</del></p> |                                                                       |
| Article 6(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                       |
| 177          | <p>4. The Commission shall adopt a Migration Management Report each year setting out the anticipated evolution of the migratory situation and the preparedness of the Union</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>deleted</i> | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Delete</b><br/>Moved to Article 7a, line 184q and following</p> |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate | Council Mandate                                                                                                                                                       | Draft Agreement                            |
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|              | and the Member States. In the case of migratory flows generated by search and rescue operations, the Commission shall consult the concerned Member States and the Report shall set out the total number of projected disembarkations in the short term and the solidarity response that would be required to contribute to the needs of the Member States of disembarkation through relocation and through measures in the field of capacity building, operational support and measures in the field of the external dimension. The Report shall also indicate whether particular Member States are faced with capacity challenges due to the presence of third-country nationals who are vulnerable and include the results of the reporting on monitoring listed in paragraph 3 including the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and propose improvements where appropriate. |            | PUBLIC                                                                                                                                                                | Provisionally agreed                       |
| Article 6(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                                                                                                                                                                       |                                            |
| 178          | 5. The Member States shall establish the national strategies by [one year after the entry into force of this Regulation] at the latest. The first European Asylum and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | deleted    | 5. The Member States shall establish the national strategies by [one year after the entry into force of this Regulation] at the latest. The first European Asylum and | Moved to line 168h<br>Provisionally agreed |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                            |
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|               | Migration Management Strategy shall be adopted by [18 months after the entry into force of this Regulation] at the latest and the first Migration Management Report shall be issued by [one year after the entry into force of this Regulation] at the latest.                                                                                                                                                                                                   |                | <del>and Migration Management Strategy shall be adopted by [18 months after the entry into force of this Regulation] at the latest and the first Migration Management Report shall be issued by [one year after the entry into force of this Regulation. [...]] at the latest.</del>                                                                                                                                                                                                                                                                    |                                            |
| Article 6(6)  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                            |
| 179           | 6. The Commission shall monitor and provide information on the migratory situation through regular situational reports based on good quality data and information provided by Member States, the External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, Europol and the Fundamental Rights Agency and notably the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and its Network. | <i>deleted</i> | 6. The Commission shall monitor and provide information on the migratory situation through regular situational reports based on <del>good quality</del> [...] data and information provided by Member States,[...] the External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, Europol and the Fundamental Rights Agency and notably the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and its Network <b>and information provided by Member States where necessary.</b> | Moved to line 168j<br>Provisionally agreed |
| Article 6(6a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                            |
| 179a          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                | <b>7. The Commission shall, by means of implementing acts, establish a template to be used by Member States to ensure that their national strategies are</b>                                                                                                                                                                                                                                                                                                                                                                                            | Moved to line 168k<br>Provisionally agreed |

|                          | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                             | Draft Agreement |
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|                          |                     |                                                                                                                                                                                                                                                                                                                                                                                               | comparable on specific core elements, such as the contingency planning. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). |                 |
| Article 6a               |                     |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                 |
| 179b                     |                     | <u>Article 6a</u><br><u>Governance and monitoring of the asylum and migration management</u>                                                                                                                                                                                                                                                                                                  | Article 6a<br>The Permanent EU Migration Support Toolbox                                                                                                                                    |                 |
| Article 6a(1)            |                     |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                 |
| 179c                     |                     | <u>1. The Commission, the Council and the Member States shall ensure the consistent implementation of asylum and migration management policies, including both the internal and external components of those policies, in consultation with and with full respect for the competencies of the institutions and agencies of the Union and Member States responsible for external policies.</u> | 1. The permanent EU Migration Support Toolbox comprises at least the following:                                                                                                             |                 |
| Article 6a(1), point (a) |                     |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                 |
| 179d                     |                     |                                                                                                                                                                                                                                                                                                                                                                                               | (a) operational and technical assistance by the relevant Union agencies in accordance with their mandates, in particular the                                                                |                 |

|                          | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement |
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|                          |                     |            | Asylum Agency in accordance with Regulation (EU) 2021/2303, the European Border and Coast Guard Agency in accordance with Regulation (EU) 2019/1896 and the European Union Agency for Law Enforcement Cooperation in accordance with Regulation (EU) 2016/794.                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 6a(1), point (b) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 179e                     |                     |            | <p>(b) support provided by the Union funds for the implementation of the common framework set out in this Part in accordance with Regulation (EU) 2021/1147<sup>1</sup>, Regulation (EU) 2021/1148<sup>2</sup>;</p> <p>1. Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund, OJ L 251, 15.7.2021, p. 1.</p> <p>2. Regulation (EU) 2021/1148 of the European Parliament and of the Council of 7 July 2021 establishing, as part of the Integrated Border Management Fund, the Instrument for Financial Support for Border Management and Visa Policy, OJ L 251, 15.7.2021, p. 48.</p> |                 |
| Article 6a(1), point (c) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
| 179f                     |                     |            | (c) derogations foreseen in the Union acquis providing Member States with the necessary tools to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

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|                          |                     |            | react to specific migratory challenges as referred to in Regulation XXX/XXX [Crisis and Force Majeure Regulation], [Regulation XXX/XXX [Instrumentalisation Regulation]] and Regulation XXX/XXX [Asylum Procedure Regulation]; |                 |
| Article 6a(1), point (d) |                     |            |                                                                                                                                                                                                                                |                 |
| 179g                     |                     |            | (d) activation of the Union Civil Protection Mechanism in accordance with Regulation 2021/836;                                                                                                                                 |                 |
| Article 6a(1), point (e) |                     |            |                                                                                                                                                                                                                                |                 |
| 179h                     |                     |            | (e) return actions;                                                                                                                                                                                                            |                 |
| Article 6a(1), point (f) |                     |            |                                                                                                                                                                                                                                |                 |
| 179i                     |                     |            | (f) strengthened actions and cross-sectoral activities in the external dimension of migration;                                                                                                                                 |                 |
| Article 6a(1), point (g) |                     |            |                                                                                                                                                                                                                                |                 |
| 179j                     |                     |            | (g) enhanced diplomatic and political outreach;                                                                                                                                                                                |                 |
| Article 6a(1), point (h) |                     |            |                                                                                                                                                                                                                                |                 |

|                          | Commission Proposal                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                  | Draft Agreement |
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| 179k                     |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                | (h) coordinated communication strategies;                                                        |                 |
| Article 6a(1), point (i) |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |                 |
| 179l                     |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                | (i) cooperation with third countries to facilitate return and readmission pursuant to Article 7. |                 |
| Article 6a(2)            |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |                 |
| 179m                     |                                                                                    | <u>2. The Commission, the Council and the Member States, acting within their respective competences, shall be responsible for the implementation of the asylum and migration management policies that comply fully with Union and international law, including with regard to fundamental rights, taking into account the comprehensive approach referred to in Article 3.</u> |                                                                                                  |                 |
| Article 7                |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |                 |
| 180                      | Article 7<br>Cooperation with third countries to facilitate return and readmission | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                 | Article 7<br>Cooperation with third countries to facilitate return and readmission               |                 |
| Article 7(-1)            |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |                 |
| 180a                     |                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                               | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|              |                                                                                                                                                                                                                                                                                                                                   |                | <p><b>-1. Without prejudice to Article 25a(5) of Regulation (EU) No 810/2009 of the European Parliament and of the Council<sup>1</sup>, where the Commission and the Council deem a third country is not cooperating sufficiently on the readmission of illegally staying third-country nationals, the Commission and the Council shall, within their respective competencies, consider the appropriate actions taking into account the Union's and Member States' overall relations with the third country, the report referred to in paragraph 2 and any relevant assessment regarding cooperation with third countries.</b></p> <p><sup>1</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council, of 13 July 2009, establishing a Community Code on Visas, OJ L 243, 15.9.2009, p. 1.</p> |                 |
| Article 7(1) |                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 181          | 1. Where the Commission, on the basis of the analysis carried out in accordance with Article 25a(2) or (4) of Regulation (EU) No 810/2009 of the European Parliament and of the Council <sup>1</sup> and of any other information available, considers that a third country is not cooperating sufficiently on the readmission of | <i>deleted</i> | 1. <del>Where</del> [...] The Commission <b>may</b> , on the basis of the analysis carried out in accordance with Article 25a(2) or (4) of Regulation (EU) No 810/2009 of the European Parliament and of the Council <sup>1</sup> and of any other information available, <del>considers that a third country is not cooperating sufficiently on the</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement |
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|              | <p>illegally staying third-country nationals, and without prejudice to Article 25(a)(5) of that Regulation, it shall submit a report to the Council including, where appropriate, the identification of any measures which could be taken to improve the cooperation of that third country as regards readmission, taking into account the Union's overall relations with the third country.</p> <p>1. Regulation (EC) No 810/2009 of the European Parliament and of the Council, of 13 July 2009, establishing a Community Code on Visas, OJ L 243, 15.9.2009, p. 1.</p> |                | <p><del>readmission of illegally staying third-country nationals, and without prejudice to Article 25(a)(5) of that Regulation, it shall</del> <b>from Member States, as well as from Union institutions, bodies, offices and agencies, [...]</b> submit a report to the Council including, where appropriate, the identification of any measures which could be taken to improve the cooperation of that third country as regards readmission, taking into account the Union's <b>and Member States'</b> overall relations with the third country.</p> <p><del>1. Regulation (EC) No 810/2009 of the European Parliament and of the Council, of 13 July 2009, establishing a Community Code on Visas, OJ L 243, 15.9.2009, p. 1.</del></p> |                 |
| Article 7(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 182          | <p>2. Where the Commission considers it appropriate, it shall also identify in its report measures designed to promote cooperation among the Member States to facilitate the return of illegal staying third-country nationals.</p>                                                                                                                                                                                                                                                                                                                                       | <i>deleted</i> | <p>2. <del>Where</del> The Commission <del>considers it appropriate, it shall</del> <b>may</b> [...] also identify in its report measures designed to promote cooperation among the Member States to facilitate the return of <del>illegal</del> <b>illegally</b> staying third-country nationals.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 7(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 183          | <p>3. On the basis of the report referred</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |

|                                 | Commission Proposal                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                 | Council Mandate                                                                                                | Draft Agreement |
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|                                 | to in paragraph 1, the Commission and the Council, within their respective competencies, shall consider the appropriate actions taking into account the Union's overall relations with the third country. | <i>deleted</i>                                                                                                                                                                             | <i>deleted</i>                                                                                                 |                 |
| <b>Article 7(4)</b>             |                                                                                                                                                                                                           |                                                                                                                                                                                            |                                                                                                                |                 |
| 184                             | 4. The Commission shall keep the European Parliament regularly informed of the implementation of this Article.                                                                                            | <i>deleted</i>                                                                                                                                                                             | 4. The Commission shall keep the European Parliament regularly informed of the implementation of this Article. |                 |
| <b>Article 7a</b>               |                                                                                                                                                                                                           |                                                                                                                                                                                            |                                                                                                                |                 |
| 184a                            |                                                                                                                                                                                                           | <u><b>Article 7a</b></u><br><u><b>Cooperation with third countries on asylum, border and migration management</b></u>                                                                      |                                                                                                                |                 |
| <b>Article 7a(1)</b>            |                                                                                                                                                                                                           |                                                                                                                                                                                            |                                                                                                                |                 |
| 184b                            |                                                                                                                                                                                                           | <u><b>1. The Union and the Member States shall promote and build tailor-made and mutually beneficial partnerships and close cooperation with relevant third countries, in order to</b></u> |                                                                                                                |                 |
| <b>Article 7a(1), point (a)</b> |                                                                                                                                                                                                           |                                                                                                                                                                                            |                                                                                                                |                 |
| 184c                            |                                                                                                                                                                                                           |                                                                                                                                                                                            |                                                                                                                |                 |

|                          | Commission Proposal | EP Mandate                                                                                                                                                                                            | Council Mandate | Draft Agreement |
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|                          |                     | <u>(i) promote legal migration and well-managed mobility for third-country nationals in need of international protection and for those otherwise admitted to reside legally in the Member States;</u> |                 |                 |
| Article 7a(1), point (b) |                     |                                                                                                                                                                                                       |                 |                 |
| 184d                     |                     | <u>(ii) support partners hosting large numbers of migrants and refugees in need of protection and build their operational capacities;</u>                                                             |                 |                 |
| Article 7a(1), point (c) |                     |                                                                                                                                                                                                       |                 |                 |
| 184e                     |                     | <u>(iii) strengthen bilateral, regional and international partnerships on migration, forced displacement, legal pathways and mobility partnerships;</u>                                               |                 |                 |
| Article 7a(1), point (d) |                     |                                                                                                                                                                                                       |                 |                 |
| 184f                     |                     | <u>(iv) support effective and human rights based migration policies;</u>                                                                                                                              |                 |                 |
| Article 7a(1), point (e) |                     |                                                                                                                                                                                                       |                 |                 |
| 184g                     |                     | <u>(v) reduce the vulnerabilities caused by human trafficking and smuggling;</u>                                                                                                                      |                 |                 |

|                          | Commission Proposal | EP Mandate                                                                                                                                                                                           | Council Mandate | Draft Agreement |
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| Article 7a(1), point (f) |                     |                                                                                                                                                                                                      |                 |                 |
| 184h                     |                     | <u>(vi) address drivers of irregular migration and forced displacement;</u>                                                                                                                          |                 |                 |
| Article 7a(1), point (g) |                     |                                                                                                                                                                                                      |                 |                 |
| 184i                     |                     | <u>(vii) enhance readmission and reintegration.</u>                                                                                                                                                  |                 |                 |
| Article 7a(2)            |                     |                                                                                                                                                                                                      |                 |                 |
| 184j                     |                     | <u>2. The partnerships and close cooperation with third countries shall be implemented in compliance with Union law and based on human rights, rule of law and respect of Union's common values.</u> |                 |                 |
| Article 7a(3)            |                     |                                                                                                                                                                                                      |                 |                 |
| 184k                     |                     | <u>3. The Commission and Member States shall also take measures to assess and promote other measures designed to foster and enhance mutually benefitting cooperation with third countries.</u>       |                 |                 |
| Article 7a(4)            |                     |                                                                                                                                                                                                      |                 |                 |
| 184l                     |                     | <u>4. The Commission, the Council, and the Member States shall, within their respective competences, take</u>                                                                                        |                 |                 |

|                                    | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement |
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|                                    |                     | <u>actions which promote joint objectives and cooperation with third countries to address causes and drivers of irregular migration and forced displacement, applying fully the Neighbourhood, Development and International Cooperation Instrument - Global Europe.</u>  | PUBLIC          |                 |
| Article 7a(5)                      |                     |                                                                                                                                                                                                                                                                           |                 |                 |
| 184m                               |                     | <u>5. In the application of this Article, the Commission shall, in particular, consider reports by the Asylum Agency, the European Border and Coast Guard Agency, Europol, the European Court of Auditors and the European External Action Service.</u>                   |                 |                 |
| Article 7a(6), first subparagraph  |                     |                                                                                                                                                                                                                                                                           |                 |                 |
| 184n                               |                     | <u>6. The Commission shall on an annual basis evaluate the efficiency and fundamental rights compliance of the partnerships referred to in the first paragraph, as well as the implementation of this Article, and report to the European Parliament and the Council.</u> |                 |                 |
| Article 7a(6), second subparagraph |                     |                                                                                                                                                                                                                                                                           |                 |                 |
| 184o                               |                     |                                                                                                                                                                                                                                                                           |                 |                 |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                  |
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|               |                     | <u>The evaluation shall include an assessment of the objectives of external policies as elaborated in Article 21 TEU and assessment of the impact those potential actions may have in the fields of migration, peace and security, development and poverty eradication.</u> |                                                                                                                                                                                    |                                                                                                                                                                                                  |
| Chapter I     |                     |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                    |                                                                                                                                                                                                  |
| y             | 184p                |                                                                                                                                                                                                                                                                             | Chapter II<br>THE ANNUAL MIGRATION<br>MANAGEMENT CYCLE                                                                                                                             | <u>Chapter II</u><br><u>THE ANNUAL MIGRATION<br/>MANAGEMENT CYCLE</u><br><div>Provisionally agreed</div>                                                                                         |
| Article 7a    |                     |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                    |                                                                                                                                                                                                  |
| y             | 184q                |                                                                                                                                                                                                                                                                             | Article 7a<br>European Migration Management<br>Report and Commission Decision                                                                                                      | <u>Article 7a</u><br><u>The European Annual<br/>Asylum and Migration Report</u><br><div>Provisionally agreed</div>                                                                               |
| Article 7a(1) |                     |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                    |                                                                                                                                                                                                  |
| y             | 184r                |                                                                                                                                                                                                                                                                             | 1. Each year, the Commission, taking into account any possible developments in terms of migratory flows towards the Union, including their rapid evolution, shall adopt a European | <u>1. The Commission shall adopt a European Asylum and Migration Report on an annual basis assessing the asylum, reception and migratory situation over the previous 12 month period and any</u> |

|               | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|               |                     |            | Migration Management Report that assesses the situation along all migratory routes and in all Member States, serving as an early warning and awareness tool for the Union in the area of migration and asylum, and that provides a strategic situational picture.                                                                                                                                                                 | <u>possible developments providing a strategic situational picture of the area of migration and asylum that also serves as an early warning and awareness tool for the Union.</u><br><br>Provisionally agreed                                                                                                                                                                                                                                                                                        |
| Article 7a(2) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 184s          |                     |            | 2. The Report, together with the Recommendation referred to in Article 7c, shall support decisions at the Union level on the measures needed for the management of the migratory situation. The Report and the Recommendation shall support Member States in deciding about their solidarity pledges in accordance with Article 44b and may also support Member States when assessing migratory challenges at the national level. | <u>2. The Report shall be based on relevant quantitative and qualitative data and information provided by the Member States, the European External Action Service, the Asylum Agency, the European Border and Coast Guard Agency, the European Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Fundamental Rights, and may also take into account information provided by other relevant bodies, offices, agencies or organisations.</u><br><br>Provisionally agreed |
| Article 7a(3) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 184t          |                     |            | 3. The Report shall contain the following elements:                                                                                                                                                                                                                                                                                                                                                                               | <u>3. The Report shall contain the following elements:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|   | Commission Proposal                           | EP Mandate | Council Mandate                                                                                              | Draft Agreement                                                                                                                                                                       |
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|   |                                               |            |                                                                                                              | Provisionally agreed                                                                                                                                                                  |
|   | Article 7a(3), point (a)                      |            |                                                                                                              |                                                                                                                                                                                       |
| y | 184u                                          |            | (a) an assessment of the overall situation covering all migratory routes in the Union and the Member States; | <u>(a) an assessment of the overall situation covering all migratory routes to the Union and in all the Member States, in particular;</u>                                             |
|   | Article 7a(3), point (a), second subparagraph |            |                                                                                                              |                                                                                                                                                                                       |
| y | 184v                                          |            |                                                                                                              | <u>- the total number of applications for international protection and the nationalities of the applicants;</u><br>Provisionally agreed                                               |
|   | Article 7a(3), point (a), third subparagraph  |            |                                                                                                              |                                                                                                                                                                                       |
| y | 184w                                          |            |                                                                                                              | <u>- the total numbers of identified unaccompanied minors [and persons with special reception or procedural needs];</u>                                                               |
|   | Article 7a(3), point (a), fourth subparagraph |            |                                                                                                              |                                                                                                                                                                                       |
| y | 184x                                          |            |                                                                                                              | <u>- the number of third-country nationals or stateless persons who have been granted international protection, in accordance with Regulation XXX/XXX [Qualification Regulation];</u> |

|   | Commission Proposal                            | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                            |
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|   |                                                |            |                 | Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                       |
|   | Article 7a(3), point (a), fifth subparagraph   |            |                 |                                                                                                                                                                                                                                                                                                                                                                                            |
| y | 184y                                           |            |                 | <u>- the number of first instance and final asylum decisions;</u><br>Provisionally agreed                                                                                                                                                                                                                                                                                                  |
|   | Article 7a(3), point (a), sixth subparagraph   |            |                 |                                                                                                                                                                                                                                                                                                                                                                                            |
| y | 184z                                           |            |                 | <u>- the reception capacity of the Member States;</u><br>Provisionally agreed                                                                                                                                                                                                                                                                                                              |
|   | Article 7a(3), point (a), seventh subparagraph |            |                 |                                                                                                                                                                                                                                                                                                                                                                                            |
| y | 184aa                                          |            |                 | <u>- the number of third-country nationals who have been detected by Member States authorities while not fulfilling or no longer fulfilling the conditions for entry, stay or residence in the Member State, including overstayers within the meaning of Article 3(1), point (19), of Regulation (EU) 2017/2226 of the European Parliament and of the Council;</u><br>Provisionally agreed |
|   | Article 7a(3), point (a), eighth subparagraph  |            |                 |                                                                                                                                                                                                                                                                                                                                                                                            |

|                                                 | Commission Proposal | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                       |
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| Y                                               | 184ab               |            |                 | <p><u>- the number of return decisions issued by the Member States and the number of third-country nationals who left the territory of the Member States in accordance with a return decision that respect Directive 2008/115/EC;</u></p> <p>Provisionally agreed</p> |
| Article 7a(3), point (a), ninth subparagraph    |                     |            |                 |                                                                                                                                                                                                                                                                       |
| Y                                               | 184ac               |            |                 | <p><u>- the number of third-country nationals admitted by the Member States through Union and national resettlement [or humanitarian admission] schemes;</u></p>                                                                                                      |
| Article 7a(3), point (a), tenth subparagraph    |                     |            |                 |                                                                                                                                                                                                                                                                       |
| Y                                               | 184ad               |            |                 | <p><u>- the number of third-country nationals subject to the border procedure provided for in Regulation (EU XXX/XXX [Asylum Procedure Regulation] and their nationalities;</u></p> <p>Provisionally agreed</p>                                                       |
| Article 7a(3), point (a), eleventh subparagraph |                     |            |                 |                                                                                                                                                                                                                                                                       |
| Y                                               | 184ae               |            |                 | <p><u>- the number of incoming and outgoing take charge [requests] or</u></p>                                                                                                                                                                                         |

|   | Commission Proposal                               | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                    |
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|   |                                                   |            |                 | <u>take back [notifications / requests] [in accordance with Articles 29 and 31], the number of transfer decisions and the numbers of transfers carried out in accordance with this Regulation;</u><br><br>Provisionally agreed                                     |
|   | Article 7a(3), point (a), twelfth subparagraph    |            |                 |                                                                                                                                                                                                                                                                    |
| Y | 184af                                             |            |                 | - <u>the number and nationality of third-country nationals disembarked following search and rescue operations and activities, and the number of applications for international protection lodged by those third-country nationals;</u><br><br>Provisionally agreed |
|   | Article 7a(3), point (a), thirteenth subparagraph |            |                 |                                                                                                                                                                                                                                                                    |
| Y | 184ag                                             |            |                 | - <u>the Member States which experienced recurring arrivals by sea, in particular through disembarkations following search and rescue operations and activities;</u><br><br>Provisionally agreed                                                                   |
|   | Article 7a(3), point (a), fourteenth subparagraph |            |                 |                                                                                                                                                                                                                                                                    |
| Y | 184ah                                             |            |                 |                                                                                                                                                                                                                                                                    |

|   | Commission Proposal                                | EP Mandate | Council Mandate | Draft Agreement                                                                                                                                                        |
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|   |                                                    |            |                 | - <u>the number of persons refused entry in accordance with Article 14 of Regulation EU (No) 2016/399;</u>                                                             |
|   | Article 7a(3), point (a), fifteenth subparagraph   |            |                 |                                                                                                                                                                        |
| y | 184ai                                              |            |                 | - <u>the number of third country nationals or stateless persons enjoying temporary protection in accordance with Directive 2001/55/EC;</u><br><br>Provisionally agreed |
|   | Article 7a(3), point (a), sixteenth subparagraph   |            |                 |                                                                                                                                                                        |
| y | 184aj                                              |            |                 | - <u>the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border;</u><br><br>Provisionally agreed               |
|   | Article 7a(3), point (a), seventeenth subparagraph |            |                 |                                                                                                                                                                        |
| y | 184ak                                              |            |                 | - <u>the number of attempted irregular border crossings, provided that the data is available and verifiable;</u>                                                       |
|   | Article 7a(3), point (a), eighteenth subparagraph  |            |                 |                                                                                                                                                                        |
| y | 184al                                              |            |                 | - <u>the support provided by Union bodies, offices and agencies to the</u>                                                                                             |

|   | Commission Proposal      | EP Mandate | Council Mandate                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                   |
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|   |                          |            |                                                                                                                                                                                                                                                          | <u>Member States.</u><br>Provisionally agreed                                                                                                                                                                                                                     |
|   | Article 7a(3), point (b) |            |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                   |
| y | 184am                    |            | (b) forward-looking projection for the coming year, including the number of projected disembarkations, based on the overall migratory situation in the previous year and considering the current situation, while also reflecting the previous pressure; | <u>(b) A forward-looking projection for the coming year, including the number of projected arrivals by sea, based on the overall migratory situation in the previous year and considering the current situation, while also reflecting the previous pressure;</u> |
|   | Article 7a(3), point (c) |            |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                   |
| y | 184an                    |            | (c) information about the level of preparedness in the Union and in the Member States and the possible impact of the projected situations;                                                                                                               | <u>(c) information about the level of preparedness in the Union and in the Member States and the possible impact of the projected situations;</u><br>Provisionally agreed                                                                                         |
|   | Article 7a(3), point (d) |            |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                   |
| y | 184ao                    |            | (d) information on the capacity levels of the Member States;                                                                                                                                                                                             | <u>(d) information on the capacity levels of the Member States, in particular on the reception capacity;</u>                                                                                                                                                      |
|   | Article 7a(3), point (e) |            |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                   |
| y | 184ap                    |            |                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                   |

|   | Commission Proposal      | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|   |                          |            | (e) the result of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency as referred to in Article 6(3);                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>(e) the result of the monitoring undertaken by the Asylum Agency and the European Border and Coast Guard Agency as referred to in Article 6(3);</u>                                                                                                                                                                                                                                                                                                                                                                           |
|   | Article 7a(3), point (f) |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| y | 184aq                    |            | (f) an assessment of whether solidarity measures and measures under the permanent EU Toolbox are needed to support the Member State or Member States concerned.                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>(f) an assessment of whether solidarity measures [and measures under the permanent EU Toolbox] are needed to support the Member State or Member States concerned.</u>                                                                                                                                                                                                                                                                                                                                                         |
|   | Article 7a(4)            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| y | 184ar                    |            | 5. When assessing the overall migratory situation including the migratory pressure, the risk of migratory pressure, and the significant migratory situation, the Commission shall use the information gathered pursuant to Article 7b, taking fully into account all elements of the report, all migratory routes, including the specificities of the structural phenomenon of disembarkations after search and rescue operations and unauthorised movements of third country nationals and stateless persons between the Member States, as well as the previous pressure and considering | <u>4. The Report shall support decisions at the Union level on the measures needed for the management of migratory situations.</u> <p>The EP suggest a recital: The data and information as well as the assessments contained in the European Annual Asylum and Migration Report should be taken into account in the decision-making procedures under the Solidarity Mechanism set out in Part IV of this Regulation.</p> <p>The procedure for assessing the migratory situation will be addressed in a different provision.</p> |

|   | Commission Proposal               | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                |
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|   |                                   |            | the current situation.                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                |
|   | Article 7a(5)                     |            |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                |
| y | 184as                             |            | 5. Together with the Report, the Commission shall adopt a Decision determining whether a particular Member State is under migratory pressure or at risk of migratory pressure during the upcoming year or is facing a significant migratory situation.                                                                        | <p><u>5. The Commission shall adopt the Report by [15 October ] of each year and transmit them to the Council and the European Parliament.</u></p> <p>Provisionally agreed</p> |
|   | Article 7a(6)                     |            |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                |
| y | 184at                             |            | 4a. For the purpose of paragraph 3(f) and 4, the Commission shall consult the Member States concerned. The Commission may set a time limit for such consultations.                                                                                                                                                            | To be discussed as part of assessing the migratory situation and assessment of solidarity needs.                                                                               |
|   | Article 7a(7), first subparagraph |            |                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                |
| y | 184au                             |            | 6. The Commission shall adopt the Report and the Commission Decision as well as the the Recommendation referred to in Article 7c by 15 October of each year and transmit them to the Council. Until the adoption by the Council of a decision pursuant to Article 44b, the Recommendation referred to in Article 7c shall not | <p>—</p> <p>Zuzana HORVATHOVA 31-Oct-2023, 13h45</p> <p>To be discussed as part of the institutional setup on solidarity.</p>                                                  |

|       | Commission Proposal                | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                   |
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|       |                                    |            | <p>be made public, shall be classified “RESTREINT UE/EU RESTRICTED”, and shall be handled as such in accordance with Council Decision 2013/488 on the security rules for protecting classified information<sup>1</sup>.</p> <p>1. Council decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU)</p> |                                                                                                                                                                                                                                   |
|       | Article 7a(6), second subparagraph |            |                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                   |
| 184av |                                    |            | <p>The first Report shall be issued by [15 October of the year after the year of the entry into force of this Regulation].</p>                                                                                                                                                                                                                           | <p><u>6. The first Report shall be issued by [15 October] of the year after the year of the entry into force of this Regulation.</u></p> <p>Provisionally agreed (keeping the text in [ ])</p>                                    |
|       | Article 7a(8), first subparagraph  |            |                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                   |
| 184aw |                                    |            | <p>7. For the purpose of the Report and the Commission Decision, the Member States and the Asylum Agency, the European Border and Coast Guard Agency and Europol shall provide the information referred to in Article 7b by 1 June of each year.</p>                                                                                                     | <p><u>7. For the purpose of the Report, the Member States and the Asylum Agency, the European Border and Coast Guard Agency and Europol shall provide the information referred to in [Article 7b by 1 June] of each year.</u></p> |
|       | Article 7a(7), second subparagraph |            |                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                   |

|                | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| y              | 184ax               |            | <p>The Commission shall convene a restricted meeting of the Migration Preparedness and Crisis Blueprint Network<sup>1</sup> during the first half of July of each year to present the initial assessment of the situation and exchange information with members of the Network.</p> <p>1. Commission Recommendation (EU) 2020/1366 of 23 September 2020 on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint)</p> | <p><u><i>The Commission shall convene a restricted meeting [of the Migration Preparedness and Crisis Blueprint Network<sup>1</sup>] [during the first half of July] of each year to present the initial assessment of the situation and exchange information [with members of the Network].</i></u></p> <p><u><i>1. Commission Recommendation (EU) 2020/1366 of 23 September 2020 on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint)</i></u></p> |
| Article 7a(9)  |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| y              | 184ay               |            | <p>The Member States and the relevant Union agencies shall provide the Commission with updated information by 1 September of each year.</p>                                                                                                                                                                                                                                                                                                                                                 | <p><u><i>9. The Member States and the relevant Union agencies shall provide the Commission with updated information by [1 September] of each year.</i></u></p> <p>Provisionally agreed (keeping the text in [1])</p>                                                                                                                                                                                                                                                                                                          |
| Article 7a(10) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| y              | 184az               |            | <p>The Commission shall convene a restricted meeting of the Migration Preparedness and Crisis Blueprint Network by 30 September of each year to present</p>                                                                                                                                                                                                                                                                                                                                 | <p><u><i>10. The Commission shall convene a restricted meeting [of the Migration Preparedness and Crisis Blueprint Network] by [30 September] of each year to present</i></u></p>                                                                                                                                                                                                                                                                                                                                             |

|                          | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                         | Draft Agreement                                             |
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|                          |                     |            | the consolidated assessment of the situation.                                                                                                                                                                                                           | <u><i>the consolidated assessment of the situation.</i></u> |
| Article 7b               |                     |            |                                                                                                                                                                                                                                                         |                                                             |
| 184ba                    |                     |            | <b>Article 7b</b><br><b>Information for assessing the overall migratory situation, migratory pressure, risk of migratory pressure or significant migratory situation</b>                                                                                |                                                             |
| Article 7b(1)            |                     |            |                                                                                                                                                                                                                                                         |                                                             |
| 184bb                    |                     |            | <b>1. When the Commission assesses the overall migratory situation, or whether a Member State is under migratory pressure, risk of migratory pressure or confronted with a significant migratory situation, it shall use the following information:</b> |                                                             |
| Article 7b(1), point (a) |                     |            |                                                                                                                                                                                                                                                         |                                                             |
| 184bc                    |                     |            | <b>(a) the number of applications for international protection by third-country nationals and the nationality of the applicants;</b>                                                                                                                    |                                                             |
| Article 7b(1), point (c) |                     |            |                                                                                                                                                                                                                                                         |                                                             |
| 184bd                    |                     |            | <b>(c) the number of return decisions</b>                                                                                                                                                                                                               |                                                             |

|                          | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                        | Draft Agreement |
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|                          |                     |            | that respect Directive 2008/115/EC;                                                                                                                    |                 |
| Article 7b(1), point (d) |                     |            |                                                                                                                                                        |                 |
| 184be                    |                     |            | (d) the number of third-country nationals who left the territory of the Member States following a return decision that respects Directive 2008/115/EC; |                 |
| Article 7b(1), point (e) |                     |            |                                                                                                                                                        |                 |
| 184bf                    |                     |            | (e) the number of third-country nationals admitted by the Member States through Union and national resettlement [or humanitarian admission] schemes;   |                 |
| Article 7b(1), point (f) |                     |            |                                                                                                                                                        |                 |
| 184bg                    |                     |            | (f) the number of incoming and outgoing take charge requests and take back notifications in accordance with Articles 29 and 31;                        |                 |
| Article 7b(1), point (g) |                     |            |                                                                                                                                                        |                 |
| 184bh                    |                     |            | (g) the number of transfers carried out in accordance with Article 35;                                                                                 |                 |

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| Article 7b(1), point (i) |                     |            |                                                                                                                                                                                  |                 |
| 184bi                    |                     |            | (i) the number of persons refused entry in accordance with Article 14 of Regulation EU (No) 2016/399;                                                                            |                 |
| Article 7b(1), point (j) |                     |            |                                                                                                                                                                                  |                 |
| 184bj                    |                     |            | (j) the number and nationality of third-country nationals disembarked following search and rescue operations, including the number of applications for international protection; |                 |
| Article 7b(1), point (k) |                     |            |                                                                                                                                                                                  |                 |
| 184bk                    |                     |            | (k) the number of identified unaccompanied minors;                                                                                                                               |                 |
| Article 7b(1), point (l) |                     |            |                                                                                                                                                                                  |                 |
| 184bl                    |                     |            | (l) the number of third-country nationals or stateless persons who have been granted international protection, in accordance with Regulation XXX/XX [Qualification Regulation];  |                 |
| Article 7b(1), point (m) |                     |            |                                                                                                                                                                                  |                 |
| 184bm                    |                     |            | (m) the number of first instance                                                                                                                                                 |                 |

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|                           |                     |            | and final asylum decisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 |
| Article 7b(1), point (l)  |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 184bn                     |                     |            | <p><b>(l) the number of third-country nationals who have been detected by Member State authorities while not fulfilling, or no longer fulfilling, the conditions for entry, stay or residence in the Member State including overstayers within the meaning of Article 3(1)(19) of Regulation (EU) 2017/2226 of the European Parliament and of the Council<sup>1</sup>;</b></p> <p><small>1. [1] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, OJ L 327, 9.12.2017, p. 20.</small></p> |                 |
| Article 7b(1), point (ba) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 184bo                     |                     |            | <b>(ba) the number of third country nationals or stateless persons enjoying temporary protection in accordance with Directive</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |

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|                           |                     |            | <p><b>2001/55/EC.<sup>1</sup></b></p> <p><b>1. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.</b></p> |                 |
| Article 7b(1), point (h)  |                     |            |                                                                                                                                                                                                                                                                                                                                                  |                 |
| 184bp                     |                     |            | <p><b>(h) the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border;</b></p>                                                                                                                                                                                                            |                 |
| Article 7b(1), point (ha) |                     |            |                                                                                                                                                                                                                                                                                                                                                  |                 |
| 184bq                     |                     |            | <p><b>(ha) the number of attempted irregular border crossings, provided that the data is available and verifiable;</b></p>                                                                                                                                                                                                                       |                 |
| Article 7b(2)             |                     |            |                                                                                                                                                                                                                                                                                                                                                  |                 |
| 184br                     |                     |            | <p><b>2. The Commission shall also take into account the following:</b></p>                                                                                                                                                                                                                                                                      |                 |
| Article 7b(2), point (a)  |                     |            |                                                                                                                                                                                                                                                                                                                                                  |                 |
| 184bs                     |                     |            | <p><b>(a) the information presented by the Member State, including the</b></p>                                                                                                                                                                                                                                                                   |                 |

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|                          |                     |            | estimation of needs, capacity and preparedness measures and any additional relevant information provided in the national strategy referred to in Article 6(3) [...];                                                                                                                                                                                                          |                 |
| Article 7b(2), point (b) |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184bt                    |                     |            | (b) the level of cooperation on migration as well as in the area of return and readmission, including by taking into account the annual report in accordance with Article 25a of the Visa code, with third countries of origin and transit, first countries of asylum, and safe third countries as defined in Regulation (EU) XXX/XXX [ <i>Asylum Procedure Regulation</i> ]; |                 |
| Article 7b(2), point (c) |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184bu                    |                     |            | (c) the geopolitical situation in relevant third countries as well as root causes of migration and possible situations of instrumentalisation of migrants and possible developments in the area of irregular arrivals through Union external borders that may affect migratory movements;                                                                                     |                 |
| Article 7b(2), point (d) |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184bv                    |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |

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|                          |                     |            | <p><b>(d) the relevant Recommendations provided for in Article 15 of Council Regulation (EU) No 1053/2013<sup>1</sup>, Article 13, 14 and 22 of Regulation (EU) 2021/2303<sup>2</sup> [...] and Article 32(7) of Regulation (EU) 2019/1896<sup>3</sup>;</b></p> <p>1. [1] Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen, OJ L 295, 6.11.2013, p. 27.</p> <p>2. [2] Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010</p> <p>3. [3] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624</p> |                 |
| Article 7b(2), point (e) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 184bw                    |                     |            | <p><b>(e) information gathered pursuant to Commission Recommendation of 2020/1366 on an EU mechanism for Preparedness and Management of Crisis related to Migration (Migration Preparedness and Crisis Blueprint)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |

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| Article 7b(2), point (f) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 184bx                    |                     |            | (f) the Migration Management Report and the Commission Decision referred to in Article 7a where available [...];                                                                                                                                                                                                                                                                                                                                                             |                 |
| Article 7b(2), point (g) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 184by                    |                     |            | (g) the Integrated Situational Awareness and Analysis (ISAA) reports under Council Implementing Decision (EU) 2018/1993 on the EU Integrated Political Crisis Response Arrangements, provided that the Integrated Political Crisis Response is activated or the Migration Situational Awareness and Analysis (MISAA) report issued under the first stage of the Migration Preparedness and Crisis Blueprint, when the Integrated Political Crisis Response is not activated; |                 |
| Article 7b(2), point (h) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |
| 184bz                    |                     |            | (h) information from the visa liberalisation reporting process and dialogues with third countries;                                                                                                                                                                                                                                                                                                                                                                           |                 |

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| Article 7b(2), point (i) |                     |            |                                                                                                                                                                                                                                                  |                 |
| 184ca                    |                     |            | (i) quarterly bulletins on migration, and other reports, of the European Union Agency for Fundamental Rights.                                                                                                                                    |                 |
| Article 7b(2), point (j) |                     |            |                                                                                                                                                                                                                                                  |                 |
| 184cb                    |                     |            | (j) the support provided by Union Agencies to the [...] Member States;                                                                                                                                                                           |                 |
| Article 7b(2), point (k) |                     |            |                                                                                                                                                                                                                                                  |                 |
| 184cc                    |                     |            | (k) relevant parts of the vulnerability assessment report as referred to in Article 32 of the Regulation 2019/1896 European Border and Coast Guard Agency.                                                                                       |                 |
| Article 7b(2), point (l) |                     |            |                                                                                                                                                                                                                                                  |                 |
| 184cd                    |                     |            | (l) scale and trends of unauthorised movements of third country nationals or stateless persons between Member States building on the available information from the relevant Union agencies and data analysis from relevant information systems. |                 |
| Article 7b(3)            |                     |            |                                                                                                                                                                                                                                                  |                 |

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| 184ce         |                     |            | 3. In addition, for assessing whether a Member State is facing a significant migratory situation, the Commission shall also take into account the cumulative effect of current and previous annual arrivals of third country nationals or stateless persons.                                                                                                                  |                 |
| Article 7c    |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184cf         |                     |            | Article 7c<br>Commission Recommendation regarding the Solidarity Pool and other appropriate measures                                                                                                                                                                                                                                                                          |                 |
| Article 7c(1) |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184cg         |                     |            | 1. Each year, based on the Report referred to in Article 7a, the Commission shall adopt a Recommendation regarding the Solidarity Pool and identifying the measures from the Permanent EU Toolbox necessary to address the migratory situation in the upcoming year in a balanced and effective manner that reflects the needs of the Member States under migratory pressure. |                 |
| Article 7c(2) |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 184ch         |                     |            |                                                                                                                                                                                                                                                                                                                                                                               |                 |

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|                                   |                     |            | <b>2. The Recommendation shall identify the annual numbers for relocations and for financial contributions at Union level, which shall at least be:</b>                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 7c(2), point (a)          |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 184ci                             |                     |            | <b>(a) 30 000 for relocations;</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 7c(2), point (b)          |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 184cj                             |                     |            | <b>(b) EUR 600 million for financial contributions.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
| Article 7c(3), first subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                 |
| 184ck                             |                     |            | <b>3. When identifying the level of the Union-wide responsibility that should be shared by all Member States and the consequent level of solidarity, the Commission shall take into account relevant qualitative and quantitative criteria, including, for the relevant year, the overall number of arrivals, the average recognition rates as well as the average return rates. The Commission shall also take into account that the Member States which will become benefitting Member States as referred to in Article 44c(1) are not obliged to implement their</b> |                 |

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|                                    |                     |            | pledged solidarity contributions.                                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 7c(3), second subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 184cl                              |                     |            | The Commission may identify a higher number for relocations or financial contributions than those provided for in paragraph 2 and may identify other forms of solidarity as set out in Article 44a(2)(c) depending on the needs arising from the specific challenges in the area of migration in the Member State concerned.                                                                                |                 |
| Article 7c(4)                      |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 184cm                              |                     |            | 4. Notwithstanding paragraph 2 of this Article, in exceptional situations, where the information provided by the Member States and the Union agencies pursuant to Article 7a(3) or the consultation carried out by the Commission pursuant to Article 7a(4a) do not indicate a need for relocations or financial contributions for the upcoming year, the Recommendation shall take this duly into account. |                 |
| Article 7d                         |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| 184cn                              |                     |            | Article 7d                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

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|                                    |                     |            | <b>The High-Level EU Migration Forum and Technical-Level EU Migration Forum</b>                                                                                                                                                                                                                                                                                                                                                       |                 |
| Article 7d(1), first subparagraph  |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 184co                              |                     |            | <b>1. In order to ensure the effective implementation of Part IV of this Regulation, representatives of the Member States shall be convened in a High-Level EU Migration Forum.</b>                                                                                                                                                                                                                                                   |                 |
| Article 7d(1), second subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 184cp                              |                     |            | <b>Third countries that have concluded with the Union an agreement on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or lodged in that third country may, for the purpose of contributing to solidarity on an ad hoc basis be invited to participate in the High Level Migration Forum and the Technical-Level EU Migration Forum as appropriate.</b> |                 |
| Article 7d(2)                      |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 184cq                              |                     |            | <b>2. The High-Level Migration Forum shall consider the Report</b>                                                                                                                                                                                                                                                                                                                                                                    |                 |

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|               |                     |            | and Decision referred to in Article 7a and Recommendation referred to in Article 7c and take stock of the overall situation. It shall also come to a conclusion on the solidarity measures and their levels needed pursuant to the procedure set out in Article 44b and, where deemed necessary, on other migratory response measures in the areas of responsibility, preparedness and contingency, as well as on the external dimension of migration. |                 |
| Article 7d(3) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 184cr         |                     |            | 3. The Council shall convene the High-Level Migration Forum within 15 days following the adoption of the Report and Decision referred to in Article 7a and the Recommendation referred to in Article 7c, and where necessary, reconvene it to request Member States for additional solidarity contributions in accordance with Article 44g.                                                                                                            |                 |
| Article 7d(4) |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 184cs         |                     |            | 4. In order to ensure the smooth functioning of Part IV of this Regulation, a Technical-Level EU Migration                                                                                                                                                                                                                                                                                                                                             |                 |

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|           |                                                |                                                | <p>Forum shall be established. It shall comprise representatives of the relevant authorities of the Member States at a level sufficiently senior to carry out the tasks conferred on the Forum. Following the meeting referred to in paragraph 3 of this Article, the Commission shall convene a first meeting of the Technical-Level EU Migration Forum. Following that first meeting the Technical Level EU Migration Forum shall meet on a regular basis. The Technical-Level EU Migration Forum shall be convened and chaired by the Commission.</p> |                                                |
| III       |                                                |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                |
| 185       | III PART III                                   | III PART III                                   | PART III <del>PART III</del> CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                |
| CHAPTER I |                                                |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                |
| 186       | CHAPTER I<br>GENERAL PRINCIPLES AND SAFEGUARDS | CHAPTER I<br>GENERAL PRINCIPLES AND SAFEGUARDS | CHAPTER I<br>GENERAL PRINCIPLES AND SAFEGUARDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CHAPTER I<br>GENERAL PRINCIPLES AND SAFEGUARDS |
| Article 8 |                                                |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                |
| 187       | Article 8                                      | Article 8                                      | Article 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Article 8                                      |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|              | Access to the procedure for examining an application for international protection                                                                                                                                                                                                                                                                                                                | <del>Access to the procedure</del> <u>The procedure for determining the Member State responsible</u> for examining an application for international protection                                                                                                                                                                                                                                                     | Access to the procedure for examining an application for international protection                                                                                                                                                                                                                                                                                                                                                             | Access to the procedure for examining an application for international protection<br><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                          |
| Article 8(1) |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 188          | 1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible. | 1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State <u>at a time</u> , which shall be the one which the criteria set out in Chapter II of Part III indicate is responsible. | 1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, which shall be the one which the criteria set out in Chapter II <b>or the clauses set out in Chapter III</b> of Part III indicate is responsible. | 1. Member States shall examine any application for international protection by a third-country national or a stateless person who applies on the territory of any one of them, including at the border or in the transit zones. The application shall be examined by a single Member State, <del>—</del> which shall be the one which the criteria set out in Chapter II <u>or the clauses set out in Chapter III</u> of Part III indicate is responsible.<br><br>Provisionally agreed |
| Article 8(2) |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 189          | 2. Where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for examining it.                                                                                                                                                | 2. Where no Member State <del>responsible</del> can be designated <u>as responsible for the examination of the application for international protection</u> on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be                                                                                           | 2. <b>Without prejudice to the rules set out in part IV of this Regulation</b> , where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was registered shall be responsible for                                                                                                                             | 2. <u>Without prejudice to the rules set out in part IV of this Regulation</u> , where no Member State <del>responsible</del> can be designated <u>as responsible for examining the application for international protection</u> on the basis of the criteria listed in this Regulation, the first Member State in which the application for                                                                                                                                           |

|                                  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | responsible for examining it, <u>pursuant to Article 21.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | examining it.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | international protection was registered shall be responsible for examining it.<br><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Article 8(3), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 190                              | 3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible. | 3. Where it is impossible for a Member State to transfer an applicant <u>or a beneficiary of international protection</u> to the Member State primarily designated as responsible because there are substantial grounds for believing that there <del>are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union</del> <u>is a real risk of violations of the applicant's fundamental rights or there are systemic flaws in the asylum procedure or in the reception conditions for applicants or the beneficiaries of international protection in that Member State,</u> the determining Member State shall continue to examine the criteria set out in Chapter II of Part III in order to establish whether another Member State can be designated as responsible. | 3. Where it is impossible for a Member State to transfer an applicant to the Member State primarily designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, the determining Member State shall continue to examine the criteria set out in Chapter II <b>or the clauses set out in Chapter III</b> of Part III in order to establish whether another Member State can be designated as responsible. | 3. Where it is impossible for a Member State to transfer an applicant <u>[or a beneficiary of international protection]</u> to the Member State primarily designated as responsible because there are substantial grounds for believing that <del>there are systemic flaws in the asylum procedure and in the reception conditions for applicants in</del> <u>the applicant, because of the transfer to</u> that Member State, <del>resulting in a</del> <u>would face a [real]</u> risk of <u>violation of applicant's fundamental rights that amounts to</u> inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union, <u>the</u> determining Member State shall continue to examine the criteria set out in Chapter II <u>or the clauses set out in Chapter III</u> of Part III in order to establish whether another Member State can be designated as responsible.<br><br>To be discussed as part of the scope of |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                   |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                       | the Regulation. If extended to cover beneficiaries, the provision would be updated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Article 8(3), second subparagraph |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 191                               | Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible. | Where a Member State cannot carry out the transfer pursuant to the first subparagraph <del>to any</del> <u>and cannot establish whether another</u> Member State <u>can be</u> designated <u>as responsible</u> on the basis of the criteria set out in Chapter II of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible <u>for the examination of that application for international protection</u> . | Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II <b>or the clauses set out in Chapter III</b> of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible. | Where a Member State cannot carry out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II <u>or the clauses set out in Chapter III</u> of Part III or to the first Member State with which the application was registered, <u>and cannot establish whether another Member State can be designated as responsible</u> , that Member State shall become the Member State responsible <u>for examining the application for international protection</u> .<br><br>Provisionally agreed |
| Article 8(4), first subparagraph  |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 192                               | 4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the                             | 4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has not been carried out, the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider the                                                                                                                                                                                                     | 4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [ <b>Screening Regulation</b> <del>Screening Regulation</del> ] has not been carried out <b>pursuant to that Regulation</b> , the first Member State in which the application for international protection was registered shall examine whether                                          | To be discussed in relation with the Screening Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                           |
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|                                   | applicant a danger to national security or public order of that Member State as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.                                                                                                                                                                                                                                                                                                                                                                 | applicant a <del>danger to national</del> <u>threat to internal</u> security <del>or public order</del> of that Member State, as soon as possible, <u>at the latest within three days</u> after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.                                                                                                                                                                                                                                                                                                                        | there are reasonable grounds to consider <del>that the applicant a danger to national</del> <b>poses a</b> security <del>or public order of that</del> <b>risk to the [...]</b> Member StateStates as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III.                                                                                                                                                                                                                                                                                                                                                                  |                                                           |
| Article 8(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                           |
| 193                               | If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a danger to national security or public order of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III. | If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider the applicant a <del>danger to national</del> <u>threat to internal</u> security <del>or public order</del> of that Member State, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III. | If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [ <b>Screening Regulation</b> <del>Screening Regulation</del> ] has been carried out, but the first Member State in which the application for international protection was registered has justified reasons to examine whether there are reasonable grounds to consider <b>that</b> the applicant <b>poses a</b> <del>danger to national</del> security <del>or public order of that</del> <b>risk to the [...]</b> Member StateStates, that Member State shall carry out the examination as soon as possible after the registration of the application, before applying the criteria for determining the Member State responsible pursuant to Chapter II or the clauses set out in Chapter III of Part III. | To be discussed in relation with the Screening Regulation |

|                                  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement                                                                     |
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| Article 8(4), third subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |
| 194                              | Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a danger to national security or public order of the Member State carrying out the security check, that Member State shall be the Member State responsible. | Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider the applicant a <del>danger to national security</del> <b>threat to internal security</b> of the Member State carrying out the security check, that Member State shall be the Member State responsible. | Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [ <del>Screening Regulation</del> <b>Screening Regulation</b> ] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider <b>that the applicant poses a security risk to the [...] Member States,</b> a <del>danger to national security or public order of the Member State carrying out the security check, that Member State [...]</del> shall be the Member State responsible, <b>and Article 29 shall not apply.</b> | To be discussed in relation with the Screening Regulation                           |
| Article 8(5)                     |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |
| 195                              | 5. Each Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [Asylum Procedure Regulation].                                                                                                                                                                                                                             | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5. Each Member State shall retain the right to send an applicant to a safe third country, subject to the rules and safeguards laid down in Regulation (EU) XXX/XXX [ <del>Asylum Procedure Regulation</del> <b>Asylum Procedure Regulation</b> ].                                                                                                                                                                                                                                                                                                                                            | To be discussed in relation with the discussion in APR on Safe third countries.     |
| Article 9                        |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                     |
| 196                              | Article 9<br>Obligations of the applicant                                                                                                                                                                                                                                                                                                                                                                                     | Article 9<br><del>Obligations</del> <b>Cooperation</b> of the applicant <b>with the competent</b>                                                                                                                                                                                                                                                                                                                                                           | Article 9<br>Obligations of the applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Article 9<br>Obligations of the applicant <b>and cooperation with the competent</b> |

|                                   | Commission Proposal                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                               |
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|                                   |                                                                                                                                                                                                                                                                | <u>authorities</u>                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                | <u>authorities</u><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                    |
| Article 9(1)                      |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                               |
| 197                               | 1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.                                                            | 1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry <u>or the Member State in which that third-country national or stateless person is legally present.</u>                                                                                           | 1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.                                                            | 1. Where a third-country national or stateless person intends to make an application for international protection, the application shall be made and registered in the Member State of first entry.<br>Provisionally agreed                                                                                                                                   |
| Article 9(2), first subparagraph  |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                               |
| 198                               | 2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa. | 2. By derogation from paragraph 1, where a third-country national or stateless person <u>who intends to make an application for international protection</u> is in possession of a <del>valid</del> residence permit or a <u>visa, either valid <del>visa</del> or which has expired,</u> the application shall be made and registered in the Member State that issued the residence permit or visa. | 2. By derogation from paragraph 1, where a third-country national or stateless person is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa. | 2. By derogation from paragraph 1, where a third-country national or stateless person <u>who intends to make an application for international protection</u> is in possession of a valid residence permit or a valid visa, the application shall be made and registered in the Member State that issued the residence permit or visa.<br>Provisionally agreed |
| Article 9(2), second subparagraph |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                               |
| 199                               | Where a third-country national or                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                      | Where a third-country national or                                                                                                                                                                                                                              | Where a third-country national or                                                                                                                                                                                                                                                                                                                             |

|              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|              | stateless person who intends to make an application for international protection is in possession of a residence permit or visa which has expired, the application shall be made and registered in the Member State where he or she is present.                                                                                                                                                                                                                                                                                                                                                                                               | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | stateless person who intends to make an application for international protection is in possession of a residence permit or visa which <del>has</del> have expired, <b>were annulled, withdrawn or revoked [...]</b> , the application shall be made and registered in the Member State where he or she is present.                                                                                                                                                                                                                                                                                                                                                                                                                                         | stateless person who intends to make an application for international protection is in possession of a residence permit or visa which <del>has</del> have expired, <b>were annulled, withdrawn or revoked</b> , the application shall be made and registered in the Member State where he or she is present.<br><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Article 9(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 200          | 3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence. | 3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting <b>and disclosing</b> , as soon as possible <del>and at the latest during the interview referred to in Article 12</del> , all the elements and information available to him or her <del>relevant for determining</del> <b>to determine</b> the Member State responsible. <del>Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence</del> <b>The competent authority shall set a reasonable time limit within the period referred to in</b> | 3. The applicant shall fully cooperate with the competent authorities of the Member States in matters covered by this Regulation, in particular by submitting as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her relevant for determining the Member State responsible. <b>The applicant shall submit his or her identity documents if the applicant is in possession of such documents and cooperate with the competent authorities in collecting the biometric data in accordance with Regulation EU XXX/XXX [Eurodac Regulation].</b> Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements | 3. The applicant shall fully cooperate with the competent authorities of the Member States in <b>collecting the biometric data in accordance with Regulation EU XXX/XXX [Eurodac Regulation] and in</b> matters covered by this Regulation, in particular by submitting <b>and disclosing</b> , as soon as possible and at the latest during the interview referred to in Article 12, all the elements and information available to him or her <b>that are</b> relevant for determining the Member State responsible, <b>including by [submitting his or her identity documents if the applicant is in possession of such documents].</b> Where the applicant is not in a position at the time of the interview to submit evidence to substantiate the elements and information |

|                      | Commission Proposal                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                     |
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|                      |                                                      | <u>Article 29(1) for submitting such evidence, taking into account the circumstances of the individual case and shall inform the applicant thereof.</u>                                                                                                                                                                                                         | and information provided, the competent authority may set a time limit within the period referred to in Article 29(1) for submitting such evidence. | provided, <u>for to fill in the template referred to in Article 12(1),</u> the competent authority may set a <u>reasonable</u> time limit, <u>taking into account the individual circumstances of the case,</u> within the period referred to in Article 29(1) for submitting such evidence.<br><br>Text in [ ] to be aligned with APR.<br>Template linked to the family procedure. |
| Article 9(2a), (3) a |                                                      |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |
| 200a                 |                                                      | <u>The competent authorities shall consider elements and information submitted also after a take charge request is sent if the elements or information are of such nature that they provide key and reliable evidence which is crucial for determining the Member State responsible, in particular regarding unaccompanied minors and family reunification.</u> |                                                                                                                                                     | Moved to line 208                                                                                                                                                                                                                                                                                                                                                                   |
| Article 9(4)         |                                                      |                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |
| 201                  | 4. The applicant shall be required to be present in: | 4. The applicant shall be required, <u>within reason,</u> to be present <u>and to remain available to the competent authorities or judicial authorities</u> in:                                                                                                                                                                                                 | 4. The applicant shall be required to be present in:                                                                                                | 4. The applicant shall be required to be present <u>and to remain available to the competent administrative or judicial authorities</u> in:                                                                                                                                                                                                                                         |

|                         | Commission Proposal | EP Mandate                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                         |
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| Article 9(4), point (a) |                     |                                                                                                                                                                                       |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                         |
| G                       | 202                 | (a) the Member State referred to in paragraphs 1 and 2 pending the determination of the Member State responsible and, where applicable, the implementation of the transfer procedure; | (a) the Member State referred to in paragraphs 1 and 2 pending the determination of the Member State responsible and, where applicable, the implementation of the transfer procedure;                                       | (a) the Member State referred to in paragraphs 1 and 2 pending the determination of the Member State responsible and, where applicable, the implementation of the transfer procedure;                                                                                   |
| Article 9(4), point (b) |                     |                                                                                                                                                                                       |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                         |
| G                       | 203                 | (b) the Member State responsible;                                                                                                                                                     | (b) the Member State responsible;                                                                                                                                                                                           | (b) the Member State responsible;                                                                                                                                                                                                                                       |
| Article 9(4), point (c) |                     |                                                                                                                                                                                       |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                         |
| Y                       | 204                 | (c) the Member State of relocation following a transfer pursuant to Article 57(9).                                                                                                    | (c) the Member State of relocation following a transfer pursuant to Article <del>57(9)</del> <u>57(8)</u> .                                                                                                                 | (c) the Member State of relocation following a transfer pursuant to Article 57(9).<br><br>Provisionally agreed                                                                                                                                                          |
| Article 9(5)            |                     |                                                                                                                                                                                       |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                         |
|                         | 205                 | 5. Where a transfer decision is notified to the applicant in accordance with Article 32(2) and Article 57(8), the applicant shall comply with that decision.                          | 5. Where a transfer <u>or relocation</u> decision is <u>final and</u> notified to the applicant in accordance with Article 32(2) and Article <del>57(8)</del> <u>57(7)</u> , the applicant shall comply with that decision. | 5. Where a transfer decision is notified to the applicant in accordance with Article 32(2) and Article 57(8), the applicant shall <b>cooperate with the authorities and</b> comply with that decision.<br><br>To be revisited later after the discussion on solidarity. |
| Article 9(5a)           |                     |                                                                                                                                                                                       |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                         |
| Y                       | 205a                |                                                                                                                                                                                       | <u>5a. Member States shall take into</u>                                                                                                                                                                                    |                                                                                                                                                                                                                                                                         |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>account the individual circumstances of the applicant when applying this Article.</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | A recital to be added.<br>Individual circumstances also referred to in line 200.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Article 10    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 206           | Article 10<br>Consequences of non-compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <i>deleted</i>                                                                           | Article 10<br>Consequences of non-compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Article 10<br>Consequences <u>on the reception conditions in case</u> of non-compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Article 10(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 207           | 1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [Reception Conditions Directive] pursuant to Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation]. This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European | <i>deleted</i>                                                                           | 1. The applicant shall not be entitled to the reception conditions set out in Articles 15 to 17 of Directive XXX/XXX/EU [ <b>Reception Conditions Directive</b> ] pursuant to <b>in accordance with [...]</b> Article 17a of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, provided that the applicant has been informed of that consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [ <b>Screening Regulation</b> ]. This shall be without prejudice to the need to ensure a standard of living in | 1. <u>Provided that the applicant has been informed of the consequence pursuant to Article 5(1) of Directive XXX/XXX/EU [Reception Conditions Directive] or Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation],</u> the applicant shall not be entitled to the reception conditions set out in Articles <u>[15 to 17]</u> of Directive XXX/XXX/EU [Reception Conditions Directive] <u>pursuant to in accordance with</u> Article <u>[17a]</u> <del>17a</del> of that Directive in any Member State other than the one in which he or she is required to be present pursuant to Article 9(4) of this Regulation from the moment he or she has been notified of a decision to transfer him or her to the Member State responsible, <del>provided that the applicant has been informed of that</del> |

|                | Commission Proposal                                                                               | EP Mandate     | Council Mandate                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                | Union, and international obligations.                                                             |                | accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations. | <del>consequence pursuant to Article 8(2), point (b) of Regulation (EU) XXX/XXX [Screening Regulation].</del><br>This shall be without prejudice to the need to ensure a standard of living in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.                                                                                                                                                                                               |
| Article 10(1a) |                                                                                                   |                |                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 207a           |                                                                                                   |                |                                                                                                                              | <p><u>1a. Before applying Article [17a] of Directive (EU) xxx/xxx [Reception Conditions Directive], Member States shall ensure that the applicant has been duly informed of the requirement set out in Article 9(4) of this Regulation and of the consequences of non-compliance with that requirement pursuant to Article 8(2), point (b), of Regulation (EU) xxx/xxx [Screening Regulation].</u></p> <p>Council and COM considers this to introduce a new condition not envisaged in RCD.<br/>Moved from line 208b.</p> |
| Article 10(2)  |                                                                                                   |                |                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 208            | 2. Elements and information relevant for determining the Member State responsible submitted after | <i>deleted</i> | 2. Elements and information relevant for determining the Member State responsible submitted after                            | 2. Elements and information relevant for determining the Member State responsible submitted after                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                | Commission Proposal                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                         |
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|                | expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities. |                                                                                                                                                                                                                                                                                                                                                                                              | expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities. | expiry of the time limit <del>referred to in Article 9(3) shall not be taken into account by the competent authorities</del> <u>shall be taken into account only if they provide evidence which is decisive for the correct application of the regulation, [in particular] regarding unaccompanied minors and family reunification.</u> |
| Article 10a    |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                         |
| 208a           |                                                                                                                    | <u>Article 10a</u><br><u>Reception conditions in a Member State other than the one in which the applicant is required to be present</u>                                                                                                                                                                                                                                                      |                                                                                                                    | Merged with title of Article 10 .                                                                                                                                                                                                                                                                                                       |
| Article 10a(1) |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                         |
| 208b           |                                                                                                                    | <u>1. Before applying Article 17a of Directive (EU) xxx/xxx [Reception Conditions Directive], Member States shall ensure that the applicant has been duly informed of the requirement set out in Article 9(4) of this Regulation and of the consequences of non-compliance with that requirement pursuant to Article 8(2), point (b), of Regulation (EU) xxx/xxx [Screening Regulation].</u> |                                                                                                                    | Moved to Article 10 (1a), line 207a                                                                                                                                                                                                                                                                                                     |
| Article 10(2a) |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                         |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Y             | 208c                | <u>2. Paragraph 1 shall not apply if the applicant is present in a Member State other than the Member State where he or she is required to be present and where his or her presence is due to reasons beyond his or her control.</u>                                                                                      | PUBLIC                             | <u>2a. Paragraph 1a shall not apply where the applicant is not in the Member State where he or she is required to be present and the competent authorities of the Member State in which the applicant is present have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3 of Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims.</u> |
| Article 10(3) |                     |                                                                                                                                                                                                                                                                                                                           |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Y             | 208d                | <u>3. Member States shall take into account the individual circumstances of the applicant, including the real risk of violations of fundamental rights in the Member State where the applicant is required to be present, when applying this Article. Any measures taken by the Member States shall be proportionate.</u> |                                    | <u>3. Member States shall take into account the individual circumstances of the applicant, including the real risk of violations of fundamental rights in the Member State where the applicant is required to be present, when applying this Article. Any measures taken by the Member States shall be proportionate.</u>                                                                                                                                                             |
| Article 11    |                     |                                                                                                                                                                                                                                                                                                                           |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| G             | 209                 | Article 11<br>Right to information                                                                                                                                                                                                                                                                                        | Article 11<br>Right to information | Article 11<br>Right to information                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                           | Commission Proposal                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Article 11(1)             |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 210                       | 1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular: | 1. As soon as possible and <del>at the latest</del> <u>in any event by the date</u> when an application for international protection is registered in a Member State, its competent authorities shall <del>inform</del> <u>provide</u> the applicant <u>with information</u> of the application of this Regulation <del>and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular.</del> <u>That information shall include in particular information on:</u> | 1. As soon as possible and at the latest when an application for international protection is registered in a Member State, its competent authorities shall inform the applicant of the application of this Regulation and of the obligations set out in Article 9 as well as the consequences of non-compliance set out in Article 10, and in particular: | 1. As soon as possible and <del>at the latest</del> <u>in any event by the date</u> when an application for international protection is registered in a Member State, its competent authorities shall <del>inform</del> <u>provide</u> the applicant <u>with information</u> of the application of this Regulation, <u>his or her rights set out in this Regulation</u> , and of the obligations set out in Article 9 [as well as the consequences of non-compliance set out in Article 10, <del>and</del> ]. <u>That information shall include</u> in particular: |
| Article 11(1), point (a)  |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 211                       | (a) that the right to apply for international protection does not encompass a choice by the applicant in relation to either the Member State responsible for examining the application for international protection or the Member State of relocation;                                                                                                    | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | (a) that the right to apply for international protection does not encompass a choice by the applicant in relation to either the Member State responsible for examining the application for international protection or the Member State of relocation;                                                                                                    | Moved to 211c                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Article 11(1), point (aa) |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 211a                      |                                                                                                                                                                                                                                                                                                                                                           | <u>(aa) the objectives of this Regulation;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                           | <u>(aa) the objectives of this Regulation;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 11(1), point (ab) |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|   | Commission Proposal       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                        |
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| y | 211b                      | <u>(ab) the cooperation expected by the applicant with the competent authorities as set out in Article 9;</u>                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                         | <u>(ab) the cooperation expected by the applicant with the competent authorities as set out in Article 9;</u>                                                                                                                                                                                                                                                                          |
|   | Article 11(1), point (ac) |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        |
| y | 211c                      | <u>(ac) a statement to the effect that the right to apply for international protection does not encompass a choice by the applicant as to which Member State is responsible for examining the application for international protection or is the Member State of relocation;</u>                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                         | <u>(ac) that the right to apply for international protection does not encompass a choice by the applicant as to which Member State is responsible for examining the application for international protection or is the Member State of relocation;</u>                                                                                                                                 |
|   | Article 11(1), point (b)  |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        |
| y | 212                       | (b) <del>of the objectives of this Regulation and</del> the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1); | (b) of the objectives of <b>part III</b> of this Regulation and the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1); | (b) <del>of the objectives of this Regulation and</del> the consequences of making another application in a different Member State as well as the consequences of leaving the Member State where he or she is required to be present pursuant to Article 9(4), <u>in particular that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);</u> |
|   | Article 11(1), point (c)  |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        |
| y | 213                       |                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        |

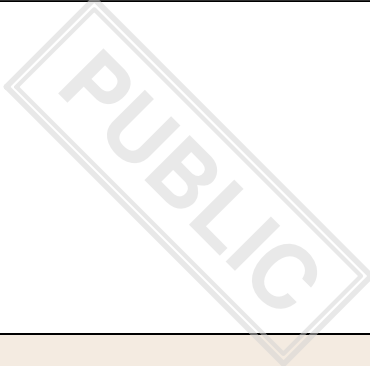
|                           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                           | (c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;                                                                                                                                                                                                                                                                                                                                                                              | (c) <del>of</del> the criteria <u>of this Regulation</u> and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration, <u>including the specific criteria applied by the determining Member States in the individual case</u> ;                                                                                                                                                                                                                                           | (c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;                                                                                                                                                                                                                                                                                                                                                                 | (c) of the criteria and the procedures for determining the Member State responsible, the hierarchy of such criteria in the different steps of the procedure and their duration;                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Article 11(1), point (ca) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 213a                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>(ca) the provisions relating to family reunification and, in that regard, the applicable definition of family members and relatives;</u>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>(ca) the provisions relating to family reunification and, in that regard, the applicable definition of family members and relatives;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 11(1), point (d)  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 214                       | (d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit and substantiate orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of family members or relatives; | (d) <del>of the aim</del> <u>the right to and purpose</u> of the personal interview pursuant to Article 12, <u>the procedure</u> and the obligation to submit <del>and substantiate</del> orally or through the provision of documents information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can | (d) of the aim of the personal interview pursuant to Article 12 and the obligation to submit and substantiate orally or through the provision of documents <b>or other</b> information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can offer with regard to the tracing of | (d) <del>of the right and</del> <u>the right and</u> the aim of the personal interview <del>pursuant to in</del> <u>accordance with</u> Article 12, <u>the procedure</u> and the obligation to submit <del>and substantiate</del> orally or through the provision of documents <u>or other</u> information as soon as possible in the procedure any relevant information that could help to establish the presence of family members, relatives or any other family relations in the Member States, including the means by which the applicant can submit such information, as well as any assistance that the Member State can |

|                           | Commission Proposal                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                  |
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|                           |                                                                                                                                                                                                             | offer with regard to the tracing of family members or relatives;                                                                                                                                                                             | family members or relatives;                                                                                                                                                                                                                                                                  | offer with regard to the tracing of family members or relatives;                                                                                                                                                                 |
| Article 11(1), point (e)  |                                                                                                                                                                                                             |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                  |
| 215                       | (e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas or educational diplomas; | <i>deleted</i>                                                                                                                                                                                                                               | (e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, <del>visas or educational diplomas</del> or visas [...];                                                         | (e) of the obligation for the applicant to disclose, as soon as possible in the procedure any relevant information that could help to establish any prior residence permits, visas <u>or</u> educational diplomas <del>;</del> ; |
| Article 11(1), point (ea) |                                                                                                                                                                                                             |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                  |
| 215a                      |                                                                                                                                                                                                             | <u>(ea) the possibility to request that the discretionary clause be applied in accordance with Article 25, as well as the specific arrangements relating to the procedure, including the discretion of application for the Member State;</u> | (ea) of the obligation for the applicant to submit his or her identity documents where the applicant is in possession of such documents and to cooperate with the competent authorities in collecting the biometric data in accordance with the Regulation (EU) XXX/XXX [Eurodac Regulation]; | <u>(ea) of the opportunity to present duly motivated reasons for the competent authorities to consider applying Article 25(1);</u>                                                                                               |
| Article 11(1), point (eb) |                                                                                                                                                                                                             |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                  |
| 215b                      |                                                                                                                                                                                                             |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                               | <u>(eb) of the obligation for the applicant to submit his or her identity documents where the applicant is in possession of such documents and to cooperate with the competent authorities in</u>                                |

|                           | Commission Proposal                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                   | Draft Agreement                                                                                                                    |
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|                           |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                   | <a href="#"><u>collecting the biometric data in accordance with the Regulation (EU) XXX/XXX [Eurodac Regulation]</u></a>           |
| Article 11(1), point (f)  |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                   |                                                                                                                                    |
| 216                       | (f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the fact that the scope of that challenge is limited as laid down in Article 33(1); | (f) <del>of</del> the possibility <a href="#"><u>and arrangements</u></a> to challenge a transfer decision within the time <del>limit</del> <a href="#"><u>limits</u></a> set out in Article <del>33(2) and of the fact that the scope of that challenge is limited as laid down in Article 33(1)</del> <a href="#"><u>33, as well as the existence of the right to an effective remedy before a court or tribunal, including in a situation where no transfer decision is issued and the fact that the challenge to a transfer decision has suspensive effect;</u></a> | (f) of the possibility to challenge a transfer decision within the time limit set out in Article 33(2) and of the fact that the scope of that challenge is limited as laid down in Article 33(1); | Linked to discussion on legal remedies and legal assistance                                                                        |
| Article 11(1), point (g)  |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                   |                                                                                                                                    |
| 217                       | (g) of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;                                                          | (g) <del>of</del> the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;                                                                                                                                                                                                                                                                                                                                                                                                                     | (g) <b>in case of an appeal or review</b> , of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;                  | Linked to discussion on legal remedies and legal assistance                                                                        |
| Article 11(1), point (ga) |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                   |                                                                                                                                    |
| 217a                      |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (ga) of the fact that absconding will lead to an extension of the time limit in accordance with                                                                                                   | <a href="#"><u>(ga) of the fact that absconding will lead to an extension of the time limit in accordance with Article 35;</u></a> |

|   | Commission Proposal      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|   |                          |                                                                                                                                                                                                                                                                                                                                                                           | Article 35;                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | Article 11(1), point (h) |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| y | 218                      | (h) <u>the fact</u> that the competent authorities of Member States and the Asylum Agency will process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation;                                                                                              | (h) that the competent authorities of Member States and the Asylum Agency will process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation;                                                                   | (h) <u>the fact</u> that the competent authorities of Member States and the Asylum Agency will process personal data of the applicant including for the exchange of data on him or her for the sole purpose of implementing their obligations arising under this Regulation <u>and in full compliance with the protection of natural persons with regard to the processing of personal data in accordance with Union or national law</u> ; |
|   | Article 11(1), point (i) |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| g | 219                      | (i) <del>of</del> the categories of personal data concerned;                                                                                                                                                                                                                                                                                                              | (i) of the categories of personal data concerned;                                                                                                                                                                                                                                                                              | (i) of the categories of personal data concerned;                                                                                                                                                                                                                                                                                                                                                                                          |
|   | Article 11(1), point (j) |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| g | 220                      | (j) <del>of</del> the right of access to data relating to <del>him or her</del> <u>the applicant</u> and the right to request that such data be corrected if inaccurate or be deleted if unlawfully processed, as well as the procedures for exercising those rights, including the contact details of the authorities referred to in Article 41 and of the national data | (j) of the right of access to data relating to him or her and the right to request that such data be corrected if inaccurate or be deleted if unlawfully processed, as well as the procedures for exercising those rights, including the contact details of the authorities referred to in Article 41 and of the national data | (j) <del>of</del> the right of access to data relating to <del>him or her</del> <u>the applicant</u> and the right to request that such data be corrected if inaccurate or be deleted if unlawfully processed, as well as the procedures for exercising those rights, including the contact details of the authorities referred to in Article 41 and of the national data                                                                  |

|   | Commission Proposal                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|   | protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer; | protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;                                                                                                                                                                                                                                              | protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;                                                                                                       | protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;                                                                                                                                                                                                                                                                                              |
|   | Article 11(1), point (ja)                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Y | 220a                                                                                                                                                         | <u>(ja) the protection of natural persons with regard to the processing of personal data in accordance with Union or national law;</u>                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                    | Moved to line 218                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | Article 11(1), point (k)                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Y | 221                                                                                                                                                          | (k) in the case of an unaccompanied minor, <del>of the guarantees and rights applicable to the applicant,</del> the role and responsibilities of the <del>representative and of</del> <u>applicant's guardian</u> and the procedure to file complaints against a <del>representative</del> <u>guardian</u> in confidence and safety and in full respect of the child's right to be heard in this respect; | (k) in the case of an unaccompanied minor, of the role and responsibilities of the representative and of the procedure to file complaints against a representative in confidence and safety and in full respect of the child's right to be heard in this respect;. | (k) in the case of an unaccompanied minor, of the <u>guarantees and rights applicable to the applicant, the</u> role and responsibilities of the <del>representative and of</del> <u>[representative/guardian] and</u> the procedure to file complaints against a <del>representative</del> <u>[representative/guardian]</u> in confidence and safety and in full respect of the child's right to be heard in this respect;<br><br>Horizontal terminology |
|   | Article 11(1), point (ka)                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Y | 221a                                                                                                                                                         | <u>(ka) where applicable, the fact that</u>                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                    | <u>(ka) of the fact that where the</u>                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                   | Commission Proposal                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                          |
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|                                   |                                                                                                                               | <u>an age assessment or a DNA-test to prove family-link will be carried out;</u>                                                                                                                                                                                                                                                                      |                                            | <u>circumstantial evidence is not coherent, verifiable and sufficiently detailed to establish responsibility, the Member State may request a DNA or blood test to prove the existence of family links or an assessment of the age of the applicant;</u>                                                                                  |
| Article 11(1), point (l)          |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| 222                               | (l) where applicable, of the relocation procedure set out in Articles 57 and 58.                                              | (l) where applicable, of the relocation procedure set out in Articles 57 and 58.                                                                                                                                                                                                                                                                      | <i>deleted</i>                                                                                                                | <i>To be discussed with the solidarity part.</i>                                                                                                                                                                                                                                                                                         |
| Article 11(1a)                    |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| 222a                              |                                                                                                                               | <u>1a. The competent authorities of the Member States shall keep the applicants informed of the progress of the procedure for determining the Member State responsible on a regular basis with regard to their application. Where the applicant is a minor, the competent authorities shall inform both the minor and the parent or the guardian.</u> |                                                                                                                               | <u>1a. The applicant shall have the possibility to request information regarding the progress of the procedure and the authorities shall inform the applicant about this possibility. Where the applicant is a minor, both the minor, the parent or the [representative/guardian] shall have the possibility to request information.</u> |
| Article 11(2), first subparagraph |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| 223                               | 2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                        | 2. The information referred to in paragraph 1 shall be provided in writing in a language that the applicant understands or is | <i>See lines 225a-225h</i><br><b>Provisionally agreed</b>                                                                                                                                                                                                                                                                                |

|   | Commission Proposal                                                                                                                                                                                                                                 | EP Mandate     | Council Mandate                                                                                                                                                                                                                      | Draft Agreement                             |
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|   | reasonably supposed to understand. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.                                                                           |                | reasonably supposed to understand. Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 3 for that purpose.                                                            |                                             |
|   | Article 11(2), second subparagraph                                                                                                                                                                                                                  |                |                                                                                                                                                                                                                                      |                                             |
| y | 224<br><br>Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12.                                       | <i>deleted</i> | Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12.                                   | See lines 225a-225h<br>Provisionally agreed |
|   | Article 11(2a)                                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                      |                                             |
| y | 224a                                                                                                                                                                                                                                                |                | <b>Where the applicant is an unaccompanied minor, the information shall be supplied in a child-friendly manner, taking into account in particular the age and maturity of that minor.</b>                                            | See lines 225a-225h<br>Provisionally agreed |
|   | Article 11(3)                                                                                                                                                                                                                                       |                |                                                                                                                                                                                                                                      |                                             |
| y | 225<br><br>3. The Asylum Agency shall, in close cooperation with the responsible national agencies, draw up common information material, as well as a specific leaflet for unaccompanied minors, containing at least the information referred to in | <i>deleted</i> | 3. The Asylum Agency shall, in close cooperation with the responsible national <del>agencies</del> <b>authorities</b> [...], draw up common information material, as well as a specific leaflet for unaccompanied minors, containing | See lines 225a-225h<br>Provisionally agreed |

|   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                       |
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|   | paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information. |                                                                                                                                                                                                                                                                                                                                                                     | at least the information referred to in paragraph 1. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> ] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac. The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information. |                                                                                                                                                                                                                                                                                                                                                       |
|   | Article 11a                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                       |
| y | 225a                                                                                                                                                                                                                                                                                                                                                                                                                       | <u><a href="#">Article 11a</a></u><br><u><a href="#">Accessibility of information</a></u>                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u><a href="#">Article 11a</a></u><br><u><a href="#">Accessibility of information</a></u><br><br>Provisionally agreed                                                                                                                                                                                                                                 |
|   | Article 11a(1), first subparagraph                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                       |
| y | 225b                                                                                                                                                                                                                                                                                                                                                                                                                       | <u><a href="#">1. The information referred to in Article 11 shall be provided in writing in the mother tongue of the applicant or in a language that the applicant understands. The information shall be provided in a concise and transparent manner, in an easily accessible form, and in advance of the personal interview as referred to in Article 12.</a></u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u><a href="#">1. The information referred to in Article 11 shall be provided in writing in a concise, transparent, intelligible and easily accessible form, using clear and plain language and in a language that the applicant understands or is reasonably supposed to understand. Member States shall use the common information material</a></u> |

|                                    | Commission Proposal | EP Mandate                                                                                                                                                                      | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                    |                     |                                                                                                                                                                                 |                 | <u>drawn up in clear and plain language pursuant to paragraph 2 for that purpose. The common information material shall also be available online, on an open and easily accessible platform for applicants for international protection.</u><br><br>Provisionally agreed                                                                                                                                              |
| Article 11a(1)                     |                     |                                                                                                                                                                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 225c                               |                     | <u>Member States shall use the common information material drawn up in clear and plain language pursuant to paragraph 2 for that purpose.</u>                                   |                 | Moved to line 225b.<br><br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                       |
| Article 11a(1) second subparagraph |                     |                                                                                                                                                                                 |                 |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 225d                               |                     | <u>The competent authority shall ensure that the applicant understands the information and has the opportunity to ask questions to clarify or follow up on the information.</u> |                 | <u>Where necessary for the applicant's proper understanding, the information shall also be supplied orally, where appropriate in connection with the personal interview as referred to in Article 12. For that purpose, the applicant shall have the opportunity to ask questions to clarify the information provided. Member States may use [the support of multimedia equipment].</u><br><br>Horizontal terminology |

|   | Commission Proposal                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|   | Article 11a(3)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| y | 225e                                | <u>Where necessary for the applicant's proper understanding, the information shall also be supplied orally, with the support of multimedia equipment.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                 | Moved to line 225d<br>Provisionally agreed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|   | Article 11a(2), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| y | 225f                                | <u>2. The Asylum Agency shall, in close cooperation with the responsible national authorities, produce common information material, in clear and plain language, as well as a targeted information to specific target groups and specific information for unaccompanied minors and other vulnerable groups, containing at least the information referred to in Article 11. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac.</u> |                 | <u>2. The Asylum Agency shall, in close cooperation with the responsible national authorities, draw up common information material, as well as specific information for unaccompanied minors and vulnerable applicants, where necessary for applicants with specific reception or procedural needs, containing at least the information referred to in Article 11. That common information material shall also include information regarding the application of Regulation (EU) XXX/XXX [Eurodac Regulation] and, in particular, the purpose for which the data of an applicant may be processed within Eurodac.</u><br>Provisionally agreed |
|   | Article 11a(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                     | Commission Proposal | EP Mandate                                                                                                                                                                                                                                       | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                 |
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| Y                                   | 225g                | <u>The common information material referred to in the first subparagraph shall be available online, on an open and easily accessible platform for applicants.</u>                                                                                |                 | Moved to line 225b<br>Provisionally agreed                                                                                                                                                                                                                                                      |
| Article 11a(2), second subparagraph |                     |                                                                                                                                                                                                                                                  |                 |                                                                                                                                                                                                                                                                                                 |
| Y                                   | 225h                | <u>Member States shall use the common information material referred to in the first subparagraph and shall complement it with additional Member State-specific information.</u>                                                                  |                 | <u>The common information material shall be drawn up in such a manner as to enable Member States to complete it with additional Member State-specific information.</u>                                                                                                                          |
| Article 11a(2), second subparagraph |                     |                                                                                                                                                                                                                                                  |                 |                                                                                                                                                                                                                                                                                                 |
| Y                                   | 225i                | <u>3. Where the applicant is a minor, the information referred to in Article 11 shall be provided in a child-friendly manner, both in written and oral form, by appropriately trained staff and in the presence of the applicant's guardian.</u> |                 | <u>3. Where the applicant is a minor, the information referred to in Article 11 shall be provided in a child-friendly manner, both in written and oral form, by appropriately trained staff and [in the presence of the applicant's guardian/representative].</u><br><br>To be aligned with APR |
| Article 11a(2), second subparagraph |                     |                                                                                                                                                                                                                                                  |                 |                                                                                                                                                                                                                                                                                                 |
|                                     | 225j                | <u>Article 11b<br/>Right to legal assistance and representation</u>                                                                                                                                                                              |                 | To be aligned with APR                                                                                                                                                                                                                                                                          |

|                                     | Commission Proposal                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Article 11a(2), second subparagraph |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 225k                                |                                                                                                                                                                                                                                                                                                            | <i><u>An applicant shall, in accordance with Article 14 of Regulation (EU) xxx/xxx [Asylum Procedure Regulation] have the right to consult, in an effective manner, a legal representative, admitted or permitted as such under national law, on matters relating, at all stages, to the determination of the Member State responsible for his or her application.</u></i>                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                     | To be aligned with APR                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Article 12                          |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 226                                 | Article 12<br>Personal interview                                                                                                                                                                                                                                                                           | Article 12<br>Personal interview                                                                                                                                                                                                                                                                                                                                                                                                                          | Article 12<br>Personal interview                                                                                                                                                                                                                                                                                                                                                                    | Article 12<br>Personal interview                                                                                                                                                                                                                                                                                                                                                                                                         |
| Article 12(1)                       |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 227                                 | 1. In order to facilitate the process of determining the Member State responsible, the determining Member State shall conduct a personal interview with the applicant. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11. | 1. In order to facilitate the process of determining the Member State responsible, the <u>competent authorities of the</u> determining Member State shall conduct a personal interview with the applicant. <del>The interview shall also to</del> allow the proper understanding of the <del>information supplied to</del> <u>specific individual situation of</u> the applicant <u>and the information he or she received</u> in accordance with Article | 1. In order to facilitate the process of determining the Member State responsible, the determining Member State <b>referred to in Article 28(1)</b> shall conduct a personal interview with the applicant <b>for the purpose of application of Article 29</b> . The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11. | 1. In order to facilitate the process of determining the Member State responsible, the <u>competent authorities of the</u> determining Member State <u>referred to in Article 28(1)</u> shall conduct a personal interview with the applicant <u>to collect information on the specific individual situation of the applicant by proactively asking questions that would allow the determination of the Member State responsible for</u> |

|                                    | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                    |                     | 11.                                                                                                                                                                                                                                                                                                                       |                 | <p><u>the purpose of application of Article 29.</u> The interview shall also allow the proper understanding of the information <del>supplied to the</del> <u>applicant received in accordance with Article 11.</u></p> <p><u>Where there are indications that the applicant may have family members or relatives in a Member State, the applicant shall receive a template, to be developed by the Asylum Agency. The applicant shall fill in the information available to him or her in order to facilitate the application of Article 29.</u></p> <p><u>The applicant shall have the opportunity to present duly motivated reasons for the competent authorities to consider applying</u><del>in</del> <u>accordance with</u> Article <del>11</del><u>25(1).</u></p> |
| Article 12(1), second subparagraph |                     |                                                                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 227a                               |                     | <p><u>The determining Member States shall proactively ask question on all aspects of the claim that would allow for the determination of the Member State responsible or aspects that would preclude the transfer of an applicant due to a real risk of serious violations of the applicant's fundamental rights.</u></p> |                 | <p>First part moved to line 227.<br/>EP suggests to have a recital covering the second part.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Article 12(2)                      |                     |                                                                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|   | Commission Proposal      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                      |   |
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| G | 228                      | 2. The personal interview may be omitted where:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2. The personal interview may be omitted where:                                                                                                                                                                                                                                                                                                                                                                                      | 2. The personal interview may be omitted where:                                                                                                                                                                                                                                                                                                                                                                                      | G |
|   | Article 12(2), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |
| Y | 229                      | (a) the applicant has absconded;<br><br>(a) the applicant has absconded, <u>and is not available to the authorities</u> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | (a) the applicant has absconded;                                                                                                                                                                                                                                                                                                                                                                                                     | (a) the applicant has absconded <u>,and is not available to the authorities</u> ;<br><br>Linked to the definition of 'absconding', line 128.                                                                                                                                                                                                                                                                                         | Y |
|   | Article 12(2), point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |
| G | 230                      | (b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;                                                                                                                                                                                                                                                                                                             | (b) the applicant has not attended the personal interview and has not provided justified reasons for his or her absence;                                                                                                                                                                                                                                                                                                             | G |
|   | Article 12(2), point (c) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |
| Y | 231                      | (c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1).<br><br>(c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means, <u>unless the applicant requests the personal interview</u> . The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the | (c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1). | (c) after having received the information referred to in Article 11, the applicant has already provided the information relevant to determine the Member State responsible by other means. The Member State omitting the interview shall give the applicant the opportunity to present all further information which is relevant to correctly determine the Member State responsible within the period referred to in Article 29(1). | Y |

|     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                 |
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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | period referred to in Article 29(1), <u>unless the applicant requests the personal interview.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>including duly motivated reasons for the authority to consider the need for a personal interview.</u>                                        |
|     | Article 12(3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                 |
| 232 | 3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3. The personal interview shall take place in a timely manner and, in any event, before any <u>decision on the Member State responsible is taken or a take charge or take back</u> request is made pursuant to Article 29 <u>or Article 31.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3. The personal interview shall take place in a timely manner and, in any event, before any take charge request is made pursuant to Article 29. |
|     | Article 12(4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                 |
| 233 | 4. The personal interview shall be conducted in a language that the applicant understands or is reasonably supposed to understand and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, and where appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person | 4. The personal interview shall be conducted in <del>a language that the applicant</del> <u>'s mother tongue or in a language that the applicant understands</u> <del>understands or is reasonably supposed to understand</del> and in which he or she is able to communicate. Interviews of unaccompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained and qualified under national law, in the presence of the <del>representative</del> <u>guardian</u> and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to <del>a</del> <u>qualified</u> interpreter, and where appropriate a cultural mediator, who | 4. The personal interview shall be conducted in a language that the applicant understands or <del>is</del> <u>may [...]</u> reasonably <del>supposed</del> <u>be expected</u> [...] to understand and in which he or she is able to communicate. Interviews of unaccompanied, <b>and where applicable, accompanied</b> minors shall be conducted in a child-friendly manner, by staff who are appropriately trained <del>and qualified</del> <u>[...]</u> under national law, <b>taking into account in particular the age and maturity of the minor,</b> in the presence of the representative and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to an interpreter, <del>and where</del> | To be discussed later and aligned with other instruments (APR)                                                                                  |

|                | Commission Proposal                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                   |
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|                | conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.                                                                                                                                                             | is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.                                                                                       | <del>appropriate a cultural mediator, who is able to ensure appropriate communication between the applicant and the person conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex [...].</del> <b>The applicant may on his or her request [...] be interviewed and assisted by staff of the same sex. Member States shall endeavour to satisfy such requests, where reasonably practicable.</b> |                                                                                                                                                                                                                                                                                   |
| Article 12(4a) |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                   |
| 233a           |                                                                                                                                                                                                                                                                                   | <u>4a. In addition to the presence of the legal advisor and, where applicable, a representative during the interview, the applicant shall have the right to nominate one person of his or her trust to accompany him or her to the interview.</u>                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                               | To be aligned with APR.                                                                                                                                                                                                                                                           |
| Article 12(5)  |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                   |
| 234            | 5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) | 5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law, <u>having received sufficient training to take account of the personal and general circumstances of the applicant.</u> | 5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU)                                                                                                                                                                             | 5. The personal interview shall take place under conditions which ensure appropriate confidentiality. It shall be conducted by a qualified person under national law. Applicants who are identified as being in need of special procedural guarantees pursuant to Regulation (EU) |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|               | XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible.                                                                                                                                                                                           | <u>Staff interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indicators showing that the person may have been the victim of torture or gender-based violence in the past.</u> Applicants who are identified as being in need of <del>special</del> <u>specific</u> procedural guarantees pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible. | XXX/XXX [ <del>Asylum Procedure Regulation</del> Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible.                                                                                                                                                   | XXX/XXX [Asylum Procedure Regulation], shall be provided with adequate support in order to create the conditions necessary for effectively presenting all elements allowing for the determination of the Member State responsible. <u>Staff interviewing applicants shall also have acquired general knowledge of problems which could adversely affect the applicant's ability to be interviewed, such as indicators showing that the person may have been the victim of torture or gender-based violence in the past.</u> |
| Article 12(6) |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 235           | 6. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have timely access to the summary. | 6. The Member State conducting the personal interview shall make <u>an audio recording of the interview and make</u> a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The <u>main elements of the summary shall be verified by the applicant, and where relevant, by the guardian or legal representative.</u> The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant or the                                                                                                                                                 | 6. The Member State conducting the personal interview shall make a written summary thereof which shall contain at least the main information supplied by the applicant at the interview. The summary may either take the form of a report or a standard form. The Member State shall ensure that the applicant or the legal advisor or other counsellor who is representing the applicant have timely access to the summary. | To be aligned with other instruments (APR).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                     | Commission Proposal                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                       | Draft Agreement                     |
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|                                     |                                                                                                                                                       | legal advisor or other counsellor who is representing the applicant have timely access to the summary, <u>as soon as possible after the interview and in any event before the competent authorities take a decision on the Member State responsible.</u> |                                                                                                                                                       |                                     |
| Article 13                          |                                                                                                                                                       |                                                                                                                                                                                                                                                          |                                                                                                                                                       |                                     |
| 236                                 | Article 13<br>Guarantees for minors                                                                                                                   | Article 13<br>Guarantees for minors                                                                                                                                                                                                                      | Article 13<br>Guarantees for minors                                                                                                                   | Article 13<br>Guarantees for minors |
| Article 13(1)                       |                                                                                                                                                       |                                                                                                                                                                                                                                                          |                                                                                                                                                       |                                     |
| 237                                 | 1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation. | 1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation. <u>Procedures including minors shall be treated with priority.</u>                                 | 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. |                                     |
| Article 13(2), first subparagraph a |                                                                                                                                                       |                                                                                                                                                                                                                                                          |                                                                                                                                                       |                                     |
| 237a                                |                                                                                                                                                       | <u>The guardian shall be appointed as soon as possible, and in any event prior to the collection of biometric data pursuant to Articles 10, 13 and 14a of Regulation (EU) xxx/xxx [Eurodac Regulation].</u>                                              |                                                                                                                                                       |                                     |
| Article 13(2), first subparagraph   |                                                                                                                                                       |                                                                                                                                                                                                                                                          |                                                                                                                                                       |                                     |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement |
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| 238                                | <p>2. Each Member State where an unaccompanied minor is present shall ensure that he or she is represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors.</p> | <p>2. <del>Each</del> Member <del>State</del><u>States</u> where <del>an</del> unaccompanied <del>minor is</del><u>minors</u> <del>are</del> present shall ensure that <del>he or she is</del><u>they are</u> represented and assisted by a <u>guardian and legal representative</u> with respect to the <del>relevant</del> procedures provided for in this Regulation. The <del>representative</del><u>guardian</u> shall have the <u>resources</u>, qualifications, training, <u>expertise and independence</u> <del>and expertise</del> to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. <del>Such representative</del><u>The guardian</u> shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors <del>and shall inform the minor accordingly about the procedure.</del></p> | <p>2. Each Member State where an unaccompanied minor is present shall ensure that he or she is represented and assisted by a representative with respect to the relevant procedures provided for in this Regulation. The representative shall have the qualifications, training and expertise to ensure that the best interests of the minor are taken into consideration during the procedures carried out under this Regulation. Such representative shall have access to the content of the relevant documents in the applicant's file including the specific information material for unaccompanied minors.</p> |                 |
| Article 13(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |
| 239                                | <p>Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.</p>                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Where an organisation is appointed as a <del>representative</del><u>guardian</u>, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Where an organisation is appointed as a representative, it shall designate a person responsible for carrying out its duties in respect of the minor. The first subparagraph shall apply to that person.</p>                                                                                                                                                                                                                                                                                                                                                                                                      |                 |
| Article 13(2), third subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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| 240           | The representative provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].                                                                                                                                                                                                                                                                                                                          | The <del>representative</del> <u>guardian</u> provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The representative provided for in the first subparagraph may be the same person or organisation as provided for in Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation].                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 13(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 241           | 3. The representative of an unaccompanied minor shall be involved in the process of establishing the Member State responsible under this Regulation. The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose. | 3. The <del>representative</del> <u>guardian</u> of an unaccompanied minor shall be involved in the process of establishing the Member State responsible <u>from the start of, and throughout, the procedure</u> under this Regulation <u>and any other rights of the minor. The guardian. The</u> <del>representative</del> shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose, <u>with due regard to confidentiality obligations to the minor. The guardian shall keep the unaccompanied minor informed about the progress of the procedures under this Regulation, and ensure that the unaccompanied</u> | 3. <del>The representative of an unaccompanied minor shall be involved[...]</del> In the process of establishing the Member State responsible under this Regulation, <b>the Member States shall involve the representative of an unaccompanied minor.</b> The representative shall assist the unaccompanied minor to provide information relevant to the assessment of his or her best interests in accordance with paragraph 4, including the exercise of the right to be heard, and shall support his or her engagement with other actors, such as family tracing organisations, where appropriate for that purpose. |                 |

|                          | Commission Proposal                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                             | Draft Agreement |
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|                          |                                                                                                                                                                             | <u>minor have access to information, legal advice and representation.</u>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                             |                 |
| Article 13(4)            |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                             |                 |
| 242                      | 4. 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: | 4. In assessing the best interests of the child, Member States shall closely cooperate <u>and exchange information</u> with each other and shall, in particular, take due account of the following <u>non-exhaustive list of</u> factors <u>and rights of the child</u> :                                                                                                                                                                                     | 4. 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: |                 |
| Article 13(4), point (a) |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                             |                 |
| 243                      | (a) family reunification possibilities;                                                                                                                                     | (a) <u>the right to family life, including</u> family reunification possibilities;                                                                                                                                                                                                                                                                                                                                                                            | (a) family reunification possibilities;                                                                                                                                     |                 |
| Article 13(4), point (b) |                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                             |                 |
| 244                      | (b) the minor's well-being and social development, taking into particular consideration the minor's background;                                                             | (b) the minor's well-being and social development <u>in the short, medium and long term, including situations of vulnerabilities such as trauma, specific health needs and disability</u> , taking into particular consideration the minor's <u>ethnic, religious, cultural and linguistic</u> background, <u>and having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services</u> ; | (b) the minor's well-being and social development, taking into particular consideration the minor's background;                                                             |                 |

|                           | Commission Proposal                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                          | Draft Agreement |
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| Article 13(4), point (c)  |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                                                                                                                                                                                          |                 |
| 245                       | (c) safety and security considerations, in particular where there is a risk of the minor being a victim of any form of violence and exploitation, including trafficking in human beings; | (c) safety and security considerations, in particular where there is a risk of the minor being a victim of any form of violence and exploitation, including trafficking in human beings <u>or violence within the family</u> ; | (c) safety and security considerations, in particular where there is a risk of the minor being a victim of any form of violence and exploitation, including trafficking in human beings; |                 |
| Article 13(4), point (d)  |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                                                                                                                                                                                          |                 |
| 246                       | (d) the views of the minor, in accordance with his or her age and maturity;                                                                                                              | (d) the views of the minor, in accordance with his or her age and maturity, <u>in accordance with his or her right to be heard</u> ;                                                                                           | (d) the views of the minor, in accordance with his or her age and maturity;                                                                                                              |                 |
| Article 13(4), point (e)  |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                                                                                                                                                                                          |                 |
| 247                       | (e) where the applicant is an unaccompanied minor, the information provided by the representative in the Member State where the unaccompanied minor is present.                          | (e) where the applicant is an unaccompanied minor, the information provided by the <del>representative</del> <u>guardian</u> in the Member State where the unaccompanied minor is present.                                     | (e) where the applicant is an unaccompanied minor, the information provided by the representative in the Member State where the unaccompanied minor is present.                          |                 |
| Article 13(4), point (ea) |                                                                                                                                                                                          |                                                                                                                                                                                                                                |                                                                                                                                                                                          |                 |
| 247a                      |                                                                                                                                                                                          | <u>(ea) any other reasons relevant to the assessment of the best interest of the child.</u>                                                                                                                                    |                                                                                                                                                                                          |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement |
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| Article 13(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
| 248           | <p>5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall make sure that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the qualifications and expertise to ensure that the best interests of the minor are taken into consideration.</p> | <p>5. Before transferring an unaccompanied minor to the Member State responsible or, where applicable, to the Member State of relocation, the transferring Member State shall <del>make sure</del><u>obtain individual guarantees</u> that the Member State responsible or the Member State of relocation takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU [Reception Conditions Directive] and Article 22 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] without delay. <u>The individual guarantee shall also include the appointment of a guardian in the Member State of transfer, and a guarantee of a handover to a designated guardian.</u> Any decision to transfer <u>or not to transfer</u> an unaccompanied minor shall be preceded by an <u>individual</u> assessment of his/her best interests. The assessment shall be based on the factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done swiftly by staff with the <u>necessary</u> qualifications and expertise to ensure that the best interests of the minor are taken into consideration.</p> | <p>5. Before transferring an unaccompanied minor <del>to the Member State responsible or, where applicable, to the Member State of relocation</del><u>[...]</u>, the transferring Member State shall <del>make sure that</del><u>notify [...]</u> the Member State responsible or the Member State of relocation, <b>which shall confirm that all appropriate [...]</b><del>takes the</del> measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU <del>[Reception Conditions Directive]</del><u>Reception Conditions Directive</u> and Article 22 of Regulation (EU) XXX/XXX <del>[Asylum Procedure Regulation]</del><u>Asylum Procedure Regulation</u> <b>will be taken</b> without delay. Any decision to transfer an unaccompanied minor shall be preceded by an assessment of his/her best interests. The assessment shall be based on the <b>relevant</b> factors listed in paragraph 4 and the conclusions of the assessment on these factors shall be clearly stated in the transfer decision. The assessment shall be done <del>swiftly by staff with the qualifications and expertise</del><u>without delay [...]</u> <b>by appropriately trained staff [...]</b> to ensure that the best interests of the minor are taken into consideration.</p> |                 |

|                                      | Commission Proposal                                                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                   |
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| Article 13(6), first subparagraph    |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                   |
| 249                                  | 6. For the purpose of applying Article 15, the Member State where the unaccompanied minor's application for international protection was registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child. | 6. For the purpose of applying Article 15, the Member State where <del>the</del> <u>an</u> unaccompanied minor's application for international protection was registered shall, <del>as soon as possible,</del> <u>immediately</u> take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child. | 6. For the purpose of applying Article 15, the Member State where the unaccompanied minor's application for international protection was <b>first</b> registered shall, as soon as possible, take appropriate action to identify the family members or relatives of the unaccompanied minor on the territory of Member States, whilst protecting the best interests of the child. |                                                                                                                                                                                                   |
| Article 13(6), second subparagraph   |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                   |
| 250                                  | To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.                                                                                                                                                                    | To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.                                                                                                                                                                                                                       | To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations.                                                                                                                                                                                 | To that end, that Member State may call for the assistance of international or other relevant organisations, and may facilitate the minor's access to the tracing services of such organisations. |
| Article 13(6), second subparagraph a |                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                   |
| 250a                                 |                                                                                                                                                                                                                                                                                                                                                                      | <u><i>In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, in particular if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is</i></u>                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                   |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>undertaken on a confidential basis, as to avoid jeopardising their safety.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| Article 13(6), third subparagraph            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 251                                          | The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors.                                                                                                                                                                                                                        | The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall have received, and shall continue to receive, appropriate training concerning the specific needs of minors <u>and the identification of vulnerabilities or trauma, and on the right of the child.</u>                                                                                                                                                                                                                     | The staff of the competent authorities referred to in Article 41 who deal with requests concerning unaccompanied minors shall <del>have received, and shall continue to receive;</del> [...] appropriate training concerning the specific needs of minors <b>relevant for the application of this Regulation.</b>                                                                                                                                                |                 |
| Article 13(7)                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 252                                          | 7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 7. With a view to facilitating the appropriate action to identify the family members or relatives of <del>the</del> <u>an</u> unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt <del>implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted</del> <u>delegated acts</u> in accordance with <del>the examination procedure referred to in Article 67(2).</del> <u>Article 68 on:</u> | 7. With a view to facilitating the appropriate action to identify the family members or relatives of the unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). |                 |
| Article 13(7), first subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |

|                                              | Commission Proposal | EP Mandate                                                                                                                                                                                                                           | Council Mandate | Draft Agreement |
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| 252a                                         |                     | <u>(a) common standards on the identification of family members or relatives;</u>                                                                                                                                                    |                 |                 |
| Article 13(7), first subparagraph, point (b) |                     |                                                                                                                                                                                                                                      |                 |                 |
| 252b                                         |                     | <u>(b) the criteria for establishing family links;</u>                                                                                                                                                                               |                 |                 |
| Article 13(7), first subparagraph, point (c) |                     |                                                                                                                                                                                                                                      |                 |                 |
| 252c                                         |                     | <u>(c) the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State.</u> |                 |                 |
| Article 13(7), second subparagraph           |                     |                                                                                                                                                                                                                                      |                 |                 |
| 252d                                         |                     | <u>In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for under this Regulation.</u>                                                         |                 |                 |
| Article 13(7a), first subparagraph           |                     |                                                                                                                                                                                                                                      |                 |                 |
| 252e                                         |                     | <u>7a. The Commission shall adopt an implementing act in accordance with Article 67(2) for a standard</u>                                                                                                                            |                 |                 |

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|                                     |                     | <u>form for the exchange of relevant information between Member States.</u>                                                                                                                                                                                                                     |                 |                 |
| Article 13(7a), second subparagraph |                     |                                                                                                                                                                                                                                                                                                 |                 |                 |
| 252f                                |                     | <u>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(2).</u>                                                                                                                                                                        |                 |                 |
| Article 13(7a), third subparagraph  |                     |                                                                                                                                                                                                                                                                                                 |                 |                 |
| 252g                                |                     | <u>The implementing acts shall promote the ability of the guardian and legal assistance provider to seek assistance in another Member State to gain information about the circumstances of reception and care arrangements in the other Member State or family reunification possibilities.</u> |                 |                 |
| Article 13(7a), fourth subparagraph |                     |                                                                                                                                                                                                                                                                                                 |                 |                 |
| 252h                                |                     | <u>The implementing act shall also promote and facilitate cooperation between guardians and legal assistance providers between Member States in the event a transfer of an unaccompanied minor is contemplated or implemented, including providing for sharing of information about</u>         |                 |                 |

|                                     | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                 | Draft Agreement                                                                                                                                                                                                                                 |
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|                                     |                                                                                                                                                                                                                                                 | <u><i>the child, with the informed consent of the child or his or her guardian.</i></u>                                                                                                                                                         |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |
| CHAPTER II                          |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |
| 253                                 | CHAPTER II<br>CRITERIA FOR DETERMINING<br>THE MEMBER STATE<br>RESPONSIBLE                                                                                                                                                                       | CHAPTER II<br>CRITERIA FOR DETERMINING<br>THE MEMBER STATE<br>RESPONSIBLE                                                                                                                                                                       | CHAPTER II<br>CRITERIA FOR DETERMINING<br>THE MEMBER STATE<br>RESPONSIBLE                                                                                                                                                                       | CHAPTER II<br>CRITERIA FOR DETERMINING<br>THE MEMBER STATE<br>RESPONSIBLE                                                                                                                                                                       |
| Article 14                          |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |
| 254                                 | Article 14<br>Hierarchy of criteria                                                                                                                                                                                                             | Article 14<br>Hierarchy of criteria                                                                                                                                                                                                             | Article 14<br>Hierarchy of criteria                                                                                                                                                                                                             | Article 14<br>Hierarchy of criteria                                                                                                                                                                                                             |
| Article 14(1)                       |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |
| 255                                 | 1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.                                                                                                           | 1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.                                                                                                           | 1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.                                                                                                           | 1. The criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter.                                                                                                           |
| Article 14(2)                       |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |
| 256                                 | 2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the application for international protection was first registered with a Member State. | 2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the application for international protection was first registered with a Member State. | 2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the application for international protection was first registered with a Member State. | 2. The Member State responsible in accordance with the criteria set out in this Chapter shall be determined on the basis of the situation obtaining when the application for international protection was first registered with a Member State. |
| Article 14(2), first subparagraph a |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |

|                | Commission Proposal                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                    | Draft Agreement |
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| 256a           |                                    | <u>The Member State with which the applicant has meaningful links, as set out in this Chapter, shall be responsible for examining an application for international protection.</u>                                                                                                                                                                                                                        |                                    |                 |
| Article 14(2a) |                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                 |
| 256b           |                                    | <u>2a. Articles 20a and 20b shall not apply if the applicant arrived irregularly prior in another Member State.</u>                                                                                                                                                                                                                                                                                       |                                    |                 |
| Article 15     |                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                 |
| 257            | Article 15<br>Unaccompanied minors | Article 15<br><del>Unaccompanied</del> Minors                                                                                                                                                                                                                                                                                                                                                             | Article 15<br>Unaccompanied minors |                 |
| Article 15(-1) |                                    |                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |                 |
| 257a           |                                    | <u>-1. Where a minor is accompanied by one parent, adult sibling or other adult who holds parental responsibility for the minor, whether by law or by the practice of that Member State and one parent or other adult who holds parental responsibility for the minor, whether by law or by practice of that Member State is legally present in a Member State, the determination of the Member State</u> |                                    |                 |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                       |
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|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u>responsible shall be based on the objective of prioritising the family unit, taking into account the best interest of the minor.</u>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                       |
| Article 15(1)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                       |
| 258                                | 1. Where the applicant is an unaccompanied minor, only the criteria set out in this Article shall apply, in the order in which they are set out in paragraphs 2 to 5.                                                                                                                                                                                                                                                                                                                                                              | 1. Where the applicant is an unaccompanied minor, only the criteria set out in this Article shall apply, in the order in which they are set out in paragraphs 2 to 5.                                                                                                                                                                                                                                                                                                                                                                                       | 1. Where the applicant is an unaccompanied minor, only the criteria set out in this Article shall apply, in the order in which they are set out in paragraphs 2 to 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1. Where the applicant is an unaccompanied minor, only the criteria set out in this Article shall apply, in the order in which they are set out in paragraphs 2 to 5. |
| Article 15(2)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                       |
| 259                                | 2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, unless it is demonstrated that it is not in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present. | 2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, <del>unless it is demonstrated that if</del> it is <del>not</del> in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present. | 2. The Member State responsible shall be that where a family member <b>or a sibling</b> of the unaccompanied minor is legally present, unless it is demonstrated that it is not in the best interests of the minor. Where the applicant is a married minor whose spouse is not legally present on the territory of the Member States, the Member State responsible shall be the Member State where the father, mother or other adult responsible for the minor, whether by law or by the practice of that Member State, or sibling is legally present, <b>unless it is demonstrated that it is not in the best interests of the minor.</b> |                                                                                                                                                                       |
| Article 15(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                       |

|                                    | Commission Proposal                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                      | Draft Agreement |
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| 259a                               |                                                                                                      | <u>For the purpose of this Regulation, on the basis of an individual assessment, a minor shall be considered unmarried if his or her marriage would not be in accordance with the relevant national law had it been contracted in the Member State concerned, in particular having regard to the legal age of marriage.</u>                                                                                                                                                     |                   |                 |
| Article 15(1a), third subparagraph |                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                      |                 |
| 259b                               |                                                                                                      | <u>Where the applicant is a married minor whose adult spouse is legally present in the territory of the Member States, the Member State responsible shall be the Member State where the parent or other adult who holds parental responsibility for the minor, whether by law or by practice of that Member State, is legally present, unless the applicant expresses in writing a wish to be reunified with his or her spouse and it is in the best interest of the minor.</u> |                                                                                                      |                 |
| Article 15(3)                      |                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                      |                 |
| 260                                | 3. Where the applicant has a relative who is legally present in another Member State and where it is | 3. Where the applicant has a relative who is legally present in another Member State and where it is                                                                                                                                                                                                                                                                                                                                                                            | 3. Where the applicant has a relative who is legally present in another Member State and where it is |                 |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                    | Draft Agreement |
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|                                   | established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, unless it is demonstrated that it is not in the best interests of the minor.                          | established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, <del>unless it is demonstrated</del> <u>provided</u> that it is <del>not</del> in the best interests of the minor.                  | established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, unless it is demonstrated that it is not in the best interests of the minor.                                           |                 |
| Article 15(4)                     |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                    |                 |
| 261                               | 4. Where family members or relatives as referred to in paragraphs 2 and 3, are staying in more than one Member State, the Member State responsible shall be decided on the basis of what is in the best interests of the unaccompanied minor.                                                                     | 4. Where family members or relatives as referred to in paragraphs 2 and 3, are staying in more than one Member State, the Member State responsible shall be decided on the basis of what is in the best interests of the unaccompanied minor.                                                                                                   | 4. Where family members, <b>siblings</b> or relatives as referred to in paragraphs 2 and 3, are staying in more than one Member State, the Member State responsible shall be decided on the basis of what is in the best interests of the unaccompanied minor.                                                                     |                 |
| Article 15(5)                     |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                    |                 |
| 262                               | 5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor's application for international protection was first registered, unless it is demonstrated that this is not in the best interests of the minor. | 5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the <del>unaccompanied minor's application for international protection was first registered</del> <u>is present</u> , unless it is demonstrated that this is not in the best interests of the minor. | 5. In the absence of a family member, <b>siblings</b> or a relative as referred to in paragraphs 2 and 3, the Member State responsible shall be that where the unaccompanied minor's application for international protection was first registered, unless it is demonstrated that this is not in the best interests of the minor. |                 |
| Article 15(6), first subparagraph |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                    |                 |

|                                              | Commission Proposal                                                                                                                                                                                                           | EP Mandate     | Council Mandate                                                                                                                                                                                                               | Draft Agreement |
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| 263                                          | 6. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:                                                                                                                              | <i>deleted</i> | 6. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:                                                                                                                              |                 |
| Article 15(6), first subparagraph, point (a) |                                                                                                                                                                                                                               |                |                                                                                                                                                                                                                               |                 |
| 264                                          | (a) the identification of family members or relatives of unaccompanied minors;                                                                                                                                                | <i>deleted</i> | (a) the identification of family members, <b>siblings</b> or relatives of unaccompanied minors;                                                                                                                               |                 |
| Article 15(6), first subparagraph, point (b) |                                                                                                                                                                                                                               |                |                                                                                                                                                                                                                               |                 |
| 265                                          | (b) the criteria for establishing the existence of proven family links;                                                                                                                                                       | <i>deleted</i> | (b) the criteria for establishing the existence of proven family links;                                                                                                                                                       |                 |
| Article 15(6), first subparagraph, point (c) |                                                                                                                                                                                                                               |                |                                                                                                                                                                                                                               |                 |
| 266                                          | (c) the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State. | <i>deleted</i> | (c) the criteria for assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor are staying in more than one Member State. |                 |
| Article 15(6), second subparagraph           |                                                                                                                                                                                                                               |                |                                                                                                                                                                                                                               |                 |
| 267                                          | In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for                                                                                | <i>deleted</i> | In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of the best interests of the child as provided for                                                                                |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                  | Draft Agreement |
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|                             | under Article 13(4).                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                   | under Article 13(4).                                                                                                                                                                                                                                                                                             |                 |
| Article 15(7)               |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                  |                 |
| 268                         | 7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                             | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                    | 7. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and the exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                             |                 |
| Article 16                  |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                  |                 |
| 269                         | Article 16<br>Family members who are beneficiaries of international protection                                                                                                                                                                                                                                   | Article 16<br>Family members who <del>are beneficiaries of international protection</del> <u>legally reside in a Member State</u>                                                                                                                                                                                                                 | Article 16<br>Family members who are beneficiaries of international protection                                                                                                                                                                                                                                   |                 |
| Article 16, first paragraph |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                  |                 |
| 270                         | Where the applicant has a family member who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. | Where the applicant has a family member who has been allowed to <del>reside as a beneficiary of international protection</del> <u>legally reside</u> in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. | Where the applicant has a family member who has been allowed to reside as a beneficiary of international protection in a Member State, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                                              |
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| Article 17                  |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
| 271                         | Article 17<br>Family members who are applicants for international protection                                                                                                                                                                                                                                                                                                      | Article 17<br>Family members who are applicants for international protection                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Article 17<br>Family members who are applicants for international protection                                                                                                                                                                                                                                                                                                                                                           | Article 17<br>Family members who are applicants for international protection |
| Article 17, first paragraph |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
| 272                         | Where the applicant has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. | Where the applicant has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a <del>first</del> <u>final</u> decision <del>regarding the substance</del> <u>as defined in Article 4(2), point (d), of Regulation (EU) xxx/xxx [Asylum Procedure Regulation]</u> , that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. | Where the applicant has a family member <del>in a Member State</del> <u>[...]</u> whose application for international protection in <del>that</del> <u>that</u> [...] Member State has not yet been the subject of a first decision regarding the substance, that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. |                                                                              |
| Article 18                  |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
| 273                         | Article 18<br>Family procedure                                                                                                                                                                                                                                                                                                                                                    | Article 18<br>Family procedure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Article 18<br>Family procedure                                                                                                                                                                                                                                                                                                                                                                                                         | Article 18<br>Family procedure                                               |
| Article 18, first paragraph |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
| 274                         | Where several family members                                                                                                                                                                                                                                                                                                                                                      | <u>1.</u> Where several family members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Where [...] <b>applications for</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |

|                                        | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                  |
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|                                        | submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined as follows: | submit applications for international protection in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined as follows: | <b>international protection by several family members submit applications for international protection or minor unmarried siblings were registered</b> in the same Member State simultaneously, or on dates close enough for the procedures for determining the Member State responsible to be conducted together, and where the application of the criteria set out in this Regulation would lead to their being separated, the Member State responsible shall be determined as follows: |                                                                                                                                                                  |
| Article 18, first paragraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                  |
| 275                                    | (a) responsibility for examining the applications for international protection of all the family members shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;                                                                                                                                                | responsibility for examining the applications for international protection of all the family members shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;                                                                                                                                                    | (a) responsibility for examining the applications for international protection of all the family members <b>or minor unmarried siblings</b> shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;                                                                                                                                                                                                                   |                                                                                                                                                                  |
| Article 18, first paragraph, point (b) |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                  |
| 276                                    | (b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.                                                                                                                                                                                                                    | <del>(b)</del> <u>(a)</u> failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.                                                                                                                                                                                              | (b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them.                                                                                                                                                                                                                                                                                                                          | (b) failing this, responsibility shall lie with the Member State which the criteria indicate is responsible for examining the application of the oldest of them. |

|                             | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                      |
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| Article 18, third paragraph |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |
| 276a                        |                                                                                                                                                                                                                                                                      | <u>1a. The processing together of the application of a family is without prejudice to the right of an applicant to make an application individually.</u>                                                                                                             |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |
| Article 19                  |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |
| 277                         | Article 19<br>Issue of residence documents or visas                                                                                                                                                                                                                  | Article 19<br>Issue of residence documents or visas                                                                                                                                                                                                                  | Article 19<br>Issue of residence documents or visas                                                                                                                                                                                                                  | Article 19<br>Issue of residence documents or visas                                                                                                                                                                                                                  |
| Article 19(1)               |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |
| 278                         | 1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.                                                                   | 1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.                                                                   | 1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.                                                                   | 1. Where the applicant is in possession of a valid residence document, the Member State which issued the document shall be responsible for examining the application for international protection.                                                                   |
| Article 19(2)               |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                      |
| 279                         | 2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation | 2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation | 2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation | 2. Where the applicant is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for international protection, unless the visa was issued on behalf of another Member State under a representation |

|                          | Commission Proposal                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                          |
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|                          | arrangement as provided for in Article 8 of Regulation (EC) No 810/2009. In such a case, the represented Member State shall be responsible for examining the application for international protection.                                                                   | arrangement as provided for in Article 8 of Regulation (EC) No 810/2009. In such a case, the represented Member State shall be responsible for examining the application for international protection.                                                                   | arrangement as provided for in Article 8 of Regulation (EC) No 810/2009. In such a case, the represented Member State shall be responsible for examining the application for international protection.                                                                   | arrangement as provided for in Article 8 of Regulation (EC) No 810/2009. In such a case, the represented Member State shall be responsible for examining the application for international protection.                                                                   |
| Article 19(3)            |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |
| 280                      | 3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order: | 3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order: | 3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order: | 3. Where the applicant is in possession of more than one valid residence document or visa issued by different Member States, the responsibility for examining the application for international protection shall be assumed by the Member States in the following order: |
| Article 19(3), point (a) |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |
| 281                      | (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;                    | (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;                    | (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;                    | (a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of validity are identical, the Member State which issued the residence document having the latest expiry date;                    |
| Article 19(3), point (b) |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                          |
| 282                      | (b) where the various visas are of                                                                                                                                                                                                                                       | (b) where the various visas are of                                                                                                                                                                                                                                       | (b) where the various visas are of                                                                                                                                                                                                                                       | (b) where the various visas are of                                                                                                                                                                                                                                       |

|                          | Commission Proposal                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                                                                                 |
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|                          | the same type the Member State which issued the visa having the latest expiry date;                                                                                                                                                             | the same type the Member State which issued the visa having the latest expiry date;                                                                                                                                                             | the same type the Member State which issued the visa having the latest expiry date;                                                                                                                                                                                                                                                                                                                   | the same type the Member State which issued the visa having the latest expiry date;                                                                                                                                                             |
| Article 19(3), point (c) |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                 |
| 283                      | (c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date. | (c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date. | (c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date.                                                                                                                                                       | (c) where the visas are of different types, the Member State which issued the visa having the longest period of validity or, where the periods of validity are identical, the Member State which issued the visa having the latest expiry date. |
| Article 19(4)            |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                 |
| 284                      | 4. Where the applicant is in possession of one or more residence documents or one or more visas which expired less than three years before the application was registered, paragraphs 1, 2 and 3 shall apply.                                   | 4. Where the applicant is in possession of one or more residence documents or one or more visas which expired <del>less than three years</del> before the application was registered, paragraphs 1, 2 and 3 shall apply.                        | 4. Where the applicant is in possession of one or more residence documents <b>which have expired, were annulled, revoked or withdrawn less than three years, or one or more visas whose validity has expired, which were annulled, revoked or withdrawn [...]</b> less than <del>three years</del> <b>18 months</b> , [...] before the application was registered, paragraphs 1, 2 and 3 shall apply. |                                                                                                                                                                                                                                                 |
| Article 19(5)            |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                 |
| 285                      | 5. The fact that the residence document or visa was issued on the basis of a false or assumed identity                                                                                                                                          | 5. The fact that the residence document or visa was issued on the basis of a false or assumed identity                                                                                                                                          | 5. The fact that the residence document or visa was issued on the basis of a false or assumed identity                                                                                                                                                                                                                                                                                                | 5. The fact that the residence document or visa was issued on the basis of a false or assumed identity                                                                                                                                          |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                  | Draft Agreement                                                                                                                                                                                                                                                                                                                  |
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|                              | or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was issued. | or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was issued. | or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was issued. | or on submission of forged, counterfeit or invalid documents shall not prevent responsibility being allocated to the Member State which issued it. However, the Member State issuing the residence document or visa shall not be responsible if it can establish that fraud was committed after the document or visa was issued. |
| Article 19a                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| 285a                         |                                                                                                                                                                                                                                                                                                                                  | <u>Article 19a</u><br><u>Previous stay</u>                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| Article 19a, first paragraph |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| 285b                         |                                                                                                                                                                                                                                                                                                                                  | <u>If the applicant has resided legally for at least two years in a Member State with a valid residence permit, that Member State shall be responsible for examining his or her application for international protection.</u>                                                                                                    |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| Article 20                   |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| 286                          | Article 20<br>Diplomas or other qualifications                                                                                                                                                                                                                                                                                   | Article 20<br>Diplomas or other qualifications                                                                                                                                                                                                                                                                                   | <i>deleted</i>                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                  |
| Article 20(1)                |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |
| 287                          |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate | Draft Agreement |
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|               | 1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection.           | 1. Where the applicant is in possession of a diploma or qualification issued by an education establishment established in a Member State and the application for international protection was registered after the applicant left the territory of the Member States following the completion of his or her studies, the Member State in which that education establishment is established shall be responsible for examining the application for international protection. <u>Online training or other forms of distance learning shall not be considered to be relevant.</u> | <i>deleted</i>  |                 |
| Article 20(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                 |
| 288           | 2. Where the applicant is in possession of more than one diploma or qualification issued by education establishments in different Member States, the responsibility for examining the application for international protection shall be assumed by the Member State which issued the diploma or qualification following the longest period of study or, where the periods of study are identical, by the Member State in which the most recent diploma or qualification was obtained. | 2. Where the applicant is in possession of more than one diploma or qualification issued by education establishments in different Member States, the responsibility for examining the application for international protection shall be assumed by the Member State which issued the diploma or qualification following the longest period of study or, where the periods of study are identical, by the Member State in which the most recent diploma or qualification was obtained.                                                                                          | <i>deleted</i>  |                 |
| Article 20a   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                 |

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| 288a                         |                     | <u>Article 20a</u><br><u>Visa waived entry</u>                                                                                                                                                                                                                                                                                                                                                                                                       |                 |                 |
| Article 20a, first paragraph |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 288b                         |                     | <u>If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.</u> |                 |                 |
| Article 20b                  |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 288c                         |                     | <u>Article 20b</u><br><u>Application in an international transit area of an airport</u>                                                                                                                                                                                                                                                                                                                                                              |                 |                 |
| Article 20b, first paragraph |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                 |                 |
| 288d                         |                     | <u>Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be</u>                                                                                                                                                                                                                                    |                 |                 |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement  |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>responsible for examining the application.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| Article 21    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| 289           | Article 21 Entry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Article 21 Entry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Article 21 Entry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Article 21 Entry |
| Article 21(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| 290           | 1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 3 years after the date on which that border crossing took place. | 1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than <del>3 years</del> <u>twelve months</u> after the date on which that border crossing took place. | 1. Where it is established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> <del>Eurodac Regulation</del> ], that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the first Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than <del>32</del> years [...] after the date on which that border crossing took place. |                  |
| Article 21(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| 291           | 2. The rule set out in paragraph 1 shall also apply where the applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2. The rule set out in paragraph 1 shall <del>also not</del> apply where the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>2. Notwithstanding the first paragraph, where it is established,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement |
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|               | was disembarked on the territory following a search and rescue operation.                                                                                                                                                                                                                                                                                                                                                                                 | applicant was disembarked on the territory following a search and rescue operation <u>or activity</u> .                                                                                                                                                                                                                                                                                                                                                                                 | <b>on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that an</b> <del>The rule set out in paragraph 1 shall also apply where the</del> <b>applicant has been disembarked on the territory of a Member State following a search and rescue operation, that Member State shall be responsible for examining the application for international protection. That responsibility shall cease if the application is registered more than 12 months after the date on which that disembarkation took place.</b> |                 |
| Article 21(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |
| 292           | 3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State | 3. <del>Paragraphs 1 and 2</del> <u>Paragraph 1</u> shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [Eurodac Regulation], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that other Member State | 3. Paragraphs 1 and 2 shall not apply if it can be established, on the basis of proof or circumstantial evidence as described in the two lists referred to in Article 30(4) of this Regulation, including the data referred to in Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> <del>Eurodac Regulation</del> ], that the applicant was relocated pursuant to Article 57 of this Regulation to another Member State after having crossed the border. In that case, that                                                                                                                                                                                          |                 |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement |
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|                              | shall be responsible for examining the application for international protection.                                                                                                                                                                                                                                                                                                                                                              | shall be responsible for examining the application for international protection. | other Member State shall be responsible for examining the application for international protection.                                                                                                                                                                                                                                                                                                                                                           |                 |
| Article 22                   |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 293                          | Article 22<br>Visa waived entry                                                                                                                                                                                                                                                                                                                                                                                                               | <i>deleted</i>                                                                   | Article 22<br>Visa waived entry                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| Article 22, first paragraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 294                          | If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory. | <i>deleted</i>                                                                   | If a third-country national or a stateless person enters into the territory of the Member States through a Member State in which the need for him or her to have a visa is waived, that Member State shall be responsible for examining his or her application for international protection. <del>That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.[...]</del> |                 |
| Article 22, second paragraph |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                 |
| 294a                         |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                  | <b>The principle set out in paragraph 1 shall not apply if the application for international protection of the third-country national or the stateless person is registered in another Member State in which</b>                                                                                                                                                                                                                                              |                 |

|                             | Commission Proposal                                                                                                                                                                                                                                   | EP Mandate                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                       |
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|                             |                                                                                                                                                                                                                                                       |                                                                                                                                                    | the need for him or her to have a visa for entry into the territory is also waived. In that case, that other Member State shall be responsible for examining the application for international protection.                                            |                                                                                                                                                                                       |
| Article 23                  |                                                                                                                                                                                                                                                       |                                                                                                                                                    |                                                                                                                                                                                                                                                       |                                                                                                                                                                                       |
| 295                         | Article 23<br>Application in an international transit area of an airport                                                                                                                                                                              | <i>deleted</i>                                                                                                                                     | Article 23<br>Application in an international transit area of an airport                                                                                                                                                                              |                                                                                                                                                                                       |
| Article 23, first paragraph |                                                                                                                                                                                                                                                       |                                                                                                                                                    |                                                                                                                                                                                                                                                       |                                                                                                                                                                                       |
| 296                         | Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application. | <i>deleted</i>                                                                                                                                     | Where the application for international protection is made in the international transit area of an airport of a Member State by a third-country national or a stateless person, that Member State shall be responsible for examining the application. |                                                                                                                                                                                       |
| CHAPTER III                 |                                                                                                                                                                                                                                                       |                                                                                                                                                    |                                                                                                                                                                                                                                                       |                                                                                                                                                                                       |
| 297                         | CHAPTER III<br>DEPENDENT PERSONS AND<br>DISCRETIONARY CLAUSES                                                                                                                                                                                         | CHAPTER III<br>DEPENDENT PERSONS,<br><u>DISCRETIONARY CLAUSES</u><br><u>AND LIGHT PROCEDURE</u> <del>AND</del><br><del>DISCRETIONARY CLAUSES</del> | CHAPTER III<br>DEPENDENT PERSONS AND<br>DISCRETIONARY CLAUSES                                                                                                                                                                                         | CHAPTER III<br>DEPENDENT PERSONS AND<br>DISCRETIONARY CLAUSES<br><br>Proposal to keep the title as in COM proposal. Linked to the discussion on the 'light procedure' (lines 312b-k). |

|     | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|     | Article 24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 298 | Article 24<br>Dependent persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Article 24<br>Dependent persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Article 24<br>Dependent persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Article 24<br>Dependent persons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     | Article 24(1), first subparagraph                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 299 | <p>1. Where, on account of pregnancy, having a new-born child, serious illness, severe disability, severe trauma or old age, an applicant is dependent on the assistance of his or her child or parent legally resident in one of the Member States, or his or her child or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child or parent, provided that family ties existed before the applicant arrived on the territory of the Member States, that the child or parent or the applicant is able to take care of the dependent person and that the persons concerned expressed their desire in writing.</p> | <p>1. Where, on account of pregnancy, having a new-born child, serious illness, severe disability, severe trauma <del>or</del> old age, <del>or other relevant</del> <u>psychological or physical vulnerabilities</u> an applicant is dependent on the assistance of his or her child, <u>sibling</u> or parent legally resident in one of the Member States, or his or her child, <u>sibling</u>, or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child, <u>sibling</u>, or parent, provided that family ties existed before the applicant arrived on the territory of the Member States, that the child, <u>sibling</u> or parent or the applicant is able to take care of the dependent person and that, <u>having been informed of this possibility</u>, the persons concerned expressed their desire in writing.</p> | <p>1. Where, on account of pregnancy, having a new-born child, serious illness, severe disability, severe <b>psychological</b> trauma or old age, an applicant is dependent on the assistance of his or her child, <b>sibling</b> or parent legally resident in one of the Member States, or his or her child, <b>sibling</b> or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child, <b>sibling</b> or parent, provided that family ties existed before the applicant arrived on the territory of the Member States, that the child, <b>sibling</b> or parent or the applicant is able to take care of the dependent person and that the persons concerned expressed their desire in writing.</p> | <p>1. Where, on account of pregnancy, having a new-born child, serious <u>mental or physical</u> illness, severe disability, severe <u>psychological</u> trauma or old age, an applicant is dependent on the assistance of his or her child or parent legally resident in one of the Member States, or his or her child or parent legally resident in one of the Member States is dependent on the assistance of the applicant, Member States shall normally keep or bring together the applicant with that child or parent, provided that family ties existed before the applicant arrived on the territory of the Member States, that the child or parent or the applicant is able to take care of the dependent person and that, <u>having been informed of this possibility</u>, the persons concerned expressed their desire in writing.</p> <p>Whether siblings should be explicitly mentioned depends on whether siblings are included in the definition of family</p> |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Article 24(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 300                                | Where there are indications that a child or parent is legally resident on the territory of the Member State where the dependent person is present, that Member State shall verify whether the child or parent can take care of the dependent person, before making a take charge request pursuant to Article 29.                                                                                                                                                                                              | Where there are indications that a child, <b>sibling</b> or parent is legally resident on the territory of the Member State where the dependent person is present, that Member State shall verify whether the child, <b>sibling</b> or parent can take care of the dependent person, before making a take charge request pursuant to Article 29.                                                                                                                                                                            | Where there are indications that a child, <b>sibling</b> or parent is legally resident on the territory of the Member State where the dependent person is present, that Member State shall verify whether the child, <b>sibling</b> or parent can take care of the dependent person, before making a take charge request pursuant to Article 29.                                                                                                                                                                            | Where there are indications that a child or parent is legally resident on the territory of the Member State where the dependent person is present, that Member State shall verify whether the child or parent can take care of the dependent person, before making a take charge request pursuant to Article 29.<br><br>Whether siblings should be explicitly mentioned depends on whether siblings are included in the definition of family member or not                                                    |
| Article 24(2)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 301                                | 2. Where the child or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall not be subject to | 2. Where the child, <b>sibling</b> or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child, <b>sibling</b> or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall | 2. Where the child, <b>sibling</b> or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child, <b>sibling</b> or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall | 2. Where the child or parent referred to in paragraph 1 is legally resident in a Member State other than the one where the applicant is present, the Member State responsible shall be the one where the child or parent is legally resident unless the applicant's health prevents him or her from travelling to that Member State for a significant period of time. In such a case, the Member State responsible shall be the one where the applicant is present. Such Member State shall not be subject to |

|                          | Commission Proposal                                                                                       | EP Mandate                                                                                                | Council Mandate                                                                                                  | Draft Agreement                                                                                                                                                                                                          |
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|                          | the obligation to bring the child or parent of the applicant to its territory.                            | not be subject to the obligation to bring the child or parent of the applicant to its territory.          | not be subject to the obligation to bring the child, <b>sibling</b> or parent of the applicant to its territory. | the obligation to bring the child or parent of the applicant to its territory.<br><br>Whether siblings should be explicitly mentioned depends on whether siblings are included in the definition of family member or not |
| Article 24(3)            |                                                                                                           |                                                                                                           |                                                                                                                  |                                                                                                                                                                                                                          |
| 302                      | 3. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:          | 3. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:          | 3. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:                 | 3. The Commission is empowered to adopt delegated acts in accordance with Article 68 concerning:                                                                                                                         |
| Article 24(3), point (a) |                                                                                                           |                                                                                                           |                                                                                                                  |                                                                                                                                                                                                                          |
| 303                      | (a) the elements to be taken into account in order to assess the dependency link;                         | (a) the elements to be taken into account in order to assess the dependency link;                         | (a) the elements to be taken into account in order to assess the dependency link;                                | (a) the elements to be taken into account in order to assess the dependency link;                                                                                                                                        |
| Article 24(3), point (b) |                                                                                                           |                                                                                                           |                                                                                                                  |                                                                                                                                                                                                                          |
| 304                      | (b) the criteria for establishing the existence of proven family links;                                   | (b) the criteria for establishing the existence of proven family links;                                   | (b) the criteria for establishing the existence of proven family links;                                          | (b) the criteria for establishing the existence of proven family links;                                                                                                                                                  |
| Article 24(3), point (c) |                                                                                                           |                                                                                                           |                                                                                                                  |                                                                                                                                                                                                                          |
| 305                      | (c) the criteria for assessing the capacity of the person concerned to take care of the dependent person; | (c) the criteria for assessing the capacity of the person concerned to take care of the dependent person; | (c) the criteria for assessing the capacity of the person concerned to take care of the dependent person;        | (c) the criteria for assessing the capacity of the person concerned to take care of the dependent person;                                                                                                                |

|                          | Commission Proposal                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                              |
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| Article 24(3), point (d) |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                              |
| 306                      | (d) the elements to be taken into account in order to assess the inability to travel for a significant period of time.                                                                                                                                                                       | (d) the elements to be taken into account in order to assess the inability to travel for a significant period of time.                                                                                                                                                                  | (d) the elements to be taken into account in order to assess the inability to travel for a significant period of time.                                                                                                                                                                       | (d) the elements to be taken into account in order to assess the inability to travel for a significant period of time.                                                                                                                                                                       |
| Article 24(4)            |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                              |
| 307                      | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).             | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).        | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).             | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).             |
| Article 25               |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                              |
| 308                      | Article 25<br>Discretionary clauses                                                                                                                                                                                                                                                          | Article 25<br>Discretionary clauses                                                                                                                                                                                                                                                     | Article 25<br>Discretionary clauses                                                                                                                                                                                                                                                          | Article 25<br>Discretionary clauses                                                                                                                                                                                                                                                          |
| Article 25(-1)(1)        |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                              |
| 309                      | 1. By way of derogation from Article 8(1), each Member State may decide to examine an application for international protection by a third-country national or a stateless person registered with it, even if such examination is not its responsibility under the criteria laid down in this | 1. By way of derogation from Article 8(1), each Member State may decide to examine an application for international protection by a third-country national or a stateless person registered with it, even if such examination is not its responsibility under the criteria laid down in | 1. By way of derogation from Article 8(1), each Member State may decide to examine an application for international protection by a third-country national or a stateless person registered with it, even if such examination is not its responsibility under the criteria laid down in this | 1. By way of derogation from Article 8(1), each Member State may decide to examine an application for international protection by a third-country national or a stateless person registered with it, even if such examination is not its responsibility under the criteria laid down in this |

|   | Commission Proposal                | EP Mandate                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                    |
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|   | Regulation.                        | <u><a href="#">Chapter II of this Part</a></u> <del>this Regulation.</del>                                                                                                                                                                                        | Regulation.                                                                                                                                                                                                                                                       | Regulation.                                                                                                                                                                                                                                                                        |
|   | Article 25(1), second subparagraph |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                    |
| y | 309a                               | <u><a href="#">An applicant may request any Member State to apply this paragraph. Such a request shall be made in writing, shall be duly motivated and shall be addressed to the competent authorities of the determining Member State.</a></u>                   |                                                                                                                                                                                                                                                                   | Suggestion to delete the amendment and to add alternative the following proposal in line 227 (Article 12(1) on personal interview): "The applicant shall have the opportunity to present duly motivated reasons for the competent authorities to consider applying Article 25(1)." |
|   | Article 25(-1a)                    |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                    |
| y | 309b                               | <u><a href="#">Where applicable, the determining Member State shall forward the request to the requested Member State, which shall reply to the request within the time limits set out in Article 30 of this Regulation.</a></u>                                  |                                                                                                                                                                                                                                                                   | Suggestion to delete the amendment (link to the previous line).                                                                                                                                                                                                                    |
|   | Article 25(2), first subparagraph  |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                    |
| y | 310                                | 2. The Member State in which an application for international protection is registered and which is carrying out the process of determining the Member State responsible, or the Member State responsible, may, at any time before a first decision regarding the | 2. The Member State in which an application for international protection is registered and which is carrying out the process of determining the Member State responsible, or the Member State responsible, may, at any time before a first decision regarding the | 2. The Member State in which an application for international protection is registered and which is carrying out the process of determining the Member State responsible, or the Member State responsible, may, at any time before a first decision regarding the                  |

|   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|   | <p>substance is taken, request another Member State to take charge of an applicant in order to bring together any family relations, on humanitarian grounds based in particular on family or cultural considerations, even where that other Member State is not responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.</p> | <p>substance is taken, request another Member State to take charge of an applicant in order to bring together any family relations, on humanitarian grounds based in particular on family, <u>cultural considerations, social ties, language skills, or any other meaningful links or to support a Member State under migratory pressure</u> <del>or</del> <del>cultural considerations</del>, even where that other Member State is not responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.</p> | <p>substance is taken, request another Member State to take charge of an applicant in order to bring together any family relations, on humanitarian grounds based in particular on family, <b>social</b> or cultural considerations, even where that other Member State is not responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.</p> | <p>substance is taken, request another Member State to take charge of an applicant in order to bring together any family relations, on humanitarian grounds based in particular on <u>meaningful links regarding</u> family, <u>social, language</u> or cultural considerations, even where that other Member State is not responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.</p> <p>'to support a Member State under migratory 'pressure' to be considered as part of solidarity<br/>EP suggest to add "language".</p> |
|   | Article 25(2), second subparagraph                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| g | <p>311 The take charge request shall contain all the material in the possession of the requesting Member State necessary to allow the requested Member State to assess the situation.</p>                                                                                                                                                                                                               | <p>The take charge request shall contain all the material in the possession of the requesting Member State necessary to allow the requested Member State to assess the situation.</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>The take charge request shall contain all the material in the possession of the requesting Member State necessary to allow the requested Member State to assess the situation.</p>                                                                                                                                                                                                                                  | <p>The take charge request shall contain all the material in the possession of the requesting Member State necessary to allow the requested Member State to assess the situation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | Article 25(2), third subparagraph                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| y | <p>312 The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within two months of receipt of the request</p>                                                                                                                                                                                        | <p>The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within two months of receipt of the request</p>                                                                                                                                                                                                                                                                                                                                                                     | <p>The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within two months of receipt of the request</p>                                                                                                                                                                                                           | <p>The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited, and shall reply to the requesting Member State within two months of receipt of the request</p>                                                                                                                                                                                                                                                                                                                                                                                             |

|                                    | Commission Proposal                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                       |
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|                                    | using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003. A reply refusing the request shall state the reasons on which the refusal is based. | using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003. A reply refusing the request shall state the reasons on which the refusal is based. <u>Where a reply is not provided within the set time limit, this shall be tantamount to accepting the request.</u> | using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003. A reply refusing the request shall state the reasons on which the refusal is based. | using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003. A reply refusing the request shall state the reasons on which the refusal is based.                                                                                                               |
| Article 25(2a)                     |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                       |
| 312a                               |                                                                                                                                                                                         | <u>Where the requested Member State accepts the request, responsibility for examining the application for international protection shall be transferred to it.</u>                                                                                                                                         |                                                                                                                                                                                         | <u>2a. Where the requested Member State accepts the request, responsibility for examining the application for international protection shall be transferred to it.</u><br><br>Suggestion to delete the amendment.<br>The wording of the current Article 17(2) is moved to Article 27(1), see line 323 |
| Article 25a                        |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                       |
| 312b                               |                                                                                                                                                                                         | <u>Article 25a</u><br><u>Light procedure for the purpose of family reunification</u>                                                                                                                                                                                                                       |                                                                                                                                                                                         | Political issue                                                                                                                                                                                                                                                                                       |
| Article 25a(1), first subparagraph |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                       |
| 312c                               |                                                                                                                                                                                         | <u>1. The Member States shall apply a special procedure in order to ensure a swift family reunification and access to the asylum procedure for</u>                                                                                                                                                         |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                       |

|                                     | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                      | Council Mandate | Draft Agreement |
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|                                     |                     | <u>applicants where there are sufficient indicators showing that they are likely to have the right to family reunification in accordance with Articles 15, 16, 17 and 24.</u>                                                                                   |                 |                 |
| Article 25a(1), second subparagraph |                     |                                                                                                                                                                                                                                                                 |                 |                 |
| 312d                                |                     | <u>A determining Member State that considers that the applicant has shown sufficient indicators for family links in another Member State shall notify that Member State and the applicant and the responsibility shall be transferred to that Member State.</u> |                 |                 |
| Article 25a(2)                      |                     |                                                                                                                                                                                                                                                                 |                 |                 |
| 312e                                |                     | <u>2. In establishing whether there are sufficient indicators that the applicant has family members and/or relatives in the Member State he or she claims, the determining Member State shall ensure that the applicant understands:</u>                        |                 |                 |
| Article 25a(2), point (a)           |                     |                                                                                                                                                                                                                                                                 |                 |                 |
| 312f                                |                     | <u>(a) the applicable definition of family members and/or relatives and ensure that the applicant is certain that the alleged family members and/or relatives are not</u>                                                                                       |                 |                 |

|                                     | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement |
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|                                     |                     | <u>present in another Member State;</u>                                                                                                                                                                                                                                                                                                                                                 |                 |                 |
| Article 25a(2), point (b)           |                     |                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 312g                                |                     | <u>(b) that he or she will not be allowed to stay in the Member State where he or she claims to have family members and/or relatives unless such a claim can be verified by that Member State.</u>                                                                                                                                                                                      |                 |                 |
| Article 25a(3), first subparagraph  |                     |                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 312h                                |                     | <u>3. If the information provided by the applicant does not give manifest reasons to doubt the presence of family members and/or relatives in the Member State indicated by the applicant, it shall be concluded that there are sufficient indicators that the applicant has family members and/or relatives in that Member State in order to meet the requirements of paragraph 1.</u> |                 |                 |
| Article 25a(3), second subparagraph |                     |                                                                                                                                                                                                                                                                                                                                                                                         |                 |                 |
| 312i                                |                     | <u>The competent authorities of the Member State where the applicant claims to have family members and/or relatives present shall assist the competent authorities of the determining Member State with answering any questions aimed at</u>                                                                                                                                            |                 |                 |

|                | Commission Proposal                                          | EP Mandate                                                                                                                                                                                                                                | Council Mandate                                              | Draft Agreement                                                                                                                                                                                                                                       |
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|                |                                                              | <u>clarifying whether the alleged family links are correct.</u>                                                                                                                                                                           |                                                              |                                                                                                                                                                                                                                                       |
| Article 25a(4) |                                                              |                                                                                                                                                                                                                                           |                                                              |                                                                                                                                                                                                                                                       |
| 312j           |                                                              | <u>4. The determining Member State shall transfer all the information provided by the applicant to the responsible Member State using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</u>   |                                                              |                                                                                                                                                                                                                                                       |
| Article 25a(5) |                                                              |                                                                                                                                                                                                                                           |                                                              |                                                                                                                                                                                                                                                       |
| 312k           |                                                              | <u>5. If it is determined that the conditions for family reunification are not met, the receiving Member State shall transfer the applicant back to the determining Member State, if no other Member State can be deemed responsible.</u> |                                                              |                                                                                                                                                                                                                                                       |
| CHAPTER IV     |                                                              |                                                                                                                                                                                                                                           |                                                              |                                                                                                                                                                                                                                                       |
| 313            | CHAPTER IV<br>OBLIGATIONS OF THE<br>MEMBER STATE RESPONSIBLE | CHAPTER IV<br>OBLIGATIONS OF THE<br>MEMBER <del>STATE</del><br><del>RESPONSIBLE</del> STATES                                                                                                                                              | CHAPTER IV<br>OBLIGATIONS OF THE<br>MEMBER STATE RESPONSIBLE | CHAPTER IV<br>OBLIGATIONS OF THE<br>MEMBER STATE RESPONSIBLE<br><br>Given that the Member States have obligations throughout the whole Regulation, a change in heading can be misleading. The provisions below target the specific obligations of the |

|   | Commission Proposal          | EP Mandate                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                        |
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|   |                              |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                | responsible MS and when this responsibility ceases.                                                                                                                                                                                                                                    |
|   | Article 26                   |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| y | 314                          | Article 26<br>Obligations of the Member State responsible                                                                                                                                                                                                                              | Article 26<br>Obligations of the Member State responsible                                                                                                                                                                                                                                      | Article 26<br>Obligations of the Member State responsible                                                                                                                                                                                                                              |
|   | Article 26(-1)(1)            |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| g | 315                          | 1. The Member State responsible under this Regulation shall be obliged to:                                                                                                                                                                                                             | 1. The Member State responsible under this Regulation shall be obliged to:                                                                                                                                                                                                                     | 1. The Member State responsible under this Regulation shall be obliged to:                                                                                                                                                                                                             |
|   | Article 26(-1)(1), point (a) |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| g | 316                          | (a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application was registered in a different Member State;                                                                                                                               | (a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application was registered in a different Member State;                                                                                                                                       | (a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application was registered in a different Member State;                                                                                                                               |
|   | Article 26(-1)(1), point (b) |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |
| y | 317                          | (b) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, an applicant or a third-country national or a stateless person in relation to whom that Member State has been indicated as the Member State responsible under Article 11(1) of Regulation (EU) | (b) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, an applicant, <b>including the situations referred to in Article 28(4) and (5)</b> , or a third-country national or a stateless person in relation to whom that Member State has been indicated as the | (b) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, an applicant or a third-country national or a stateless person in relation to whom that Member State has been indicated as the Member State responsible under Article 11(1) of Regulation (EU) |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                              | XXX/XXX [Eurodac Regulation];                                                                                                                                                                                                                                                                                                                                                                                                                                                              | XXX/XXX [Eurodac Regulation];                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Member State responsible under Article 11(1) of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> ];                                                                                                                                                                                                                                                                                        | XXX/XXX [Eurodac Regulation];                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Article 26(-1)(1), point (c) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 318                          | (c) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a beneficiary of international protection in relation to whom that Member State has been indicated as the Member State responsible under Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation];                                                                                                                                                                                            | (c) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a beneficiary of international protection in relation to whom that Member State has been indicated as the Member State responsible under Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation];                                                                                                                                                                                            | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                | <i>Political issue</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 26(-1)(1), point (d) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 319                          | (d) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a resettled or admitted person who has made an application for international protection or who is irregularly staying in a Member State other than the Member State which accepted to admit him or her in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or which granted international protection or humanitarian status under a national resettlement scheme. | (d) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a resettled or admitted person who has made an application for international protection or who is irregularly staying in a Member State other than the Member State which accepted to admit him or her in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or which granted international protection or humanitarian status under a national resettlement scheme. | (d) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a resettled or admitted person who has made an application for international protection or who is irregularly staying in a Member State other than the Member State which accepted to admit him or her in accordance with Regulation (EU) XXX/XXX [ <b>Union Resettlement Framework Regulation</b> ]; | (d) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, a resettled or admitted person who has made an application for international protection or who is irregularly staying in a Member State other than the Member State which accepted to admit him or her in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or which granted international protection or humanitarian status under a national resettlement scheme. |

|   | Commission Proposal   | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|   | Article 26(-1), (1) a |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| y | 319a                  | <u>Member States shall make all necessary practical and legal arrangements to comply with their obligations under this Article.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Suggestion to delete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | Article 26(-1a)(2)    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| y | 320                   | 2. For the purposes of this Regulation, the situation of a minor who is accompanying the applicant and meets the definition of family member shall be indissociable from that of his or her family member and the minor shall be taken charge of or taken back by the Member State responsible for examining the application for international protection of that family member, even if the minor is not individually an applicant, unless it is demonstrated that this is not in the best interests of the child. The same principle shall be applied to children born after the applicant arrives on the territory of the Member States, without the need to initiate a new procedure for taking charge of them. | 21a. For the purposes of this Regulation, the situation of a minor who is accompanying the applicant [...] and meets the definition of family member shall be indissociable from that of his or her family member and the minor shall be taken charge of or taken back by the Member State responsible for examining the application for international protection of that family member, <b>without the need for a written consent by the persons concerned</b> , even if the minor is not individually an applicant, unless it is demonstrated that this is not in the best interests of the child. The same principle shall be applied to children born after the applicant arrives on the territory of the Member States, without the need to initiate a new procedure for taking charge of them. | 2. For the purposes of this Regulation, the situation of a minor who is accompanying the applicant and meets the definition of family member shall be indissociable from that of his or her family member and the minor shall be taken charge of or taken back by the Member State responsible for examining the application for international protection of that family member, even if the minor is not individually an applicant, unless it is demonstrated that this is not in the best interests of the child. The same principle shall be applied to children born after the applicant arrives on the territory of the Member States, without the need to initiate a new procedure for taking charge of them.<br><br>The possible addition from the Council mandate is dependent on whether beneficiaries are excluded from the scope of the take back procedure or |

|   | Commission Proposal               | EP Mandate                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement                                                                                                                                                                                                                                                |
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|   |                                   |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                  | not. The modification is a consequence of the ECJ ruling C-720/20                                                                                                                                                                                              |
|   | Article 26(2) second subparagraph |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                |
| y | 320a                              |                                                                                                                                                                                                                                                                | Notwithstanding the requirement for written consent in Article 16, where a new procedure for taking charge of a child is initiated towards a Member State which is indicated as the Member State responsible pursuant to Article 16, no written consent shall be required by the persons concerned, unless it is demonstrated that it is not in the best interests of the minor. | The possible addition of the Council mandate is dependent on whether beneficiaries are excluded from the scope of the take back procedure or not. The modification is a consequence of the ECJ ruling C-720/20.                                                |
|   | Article 26(3)                     |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                |
| y | 321                               | 3. In the situations referred to in paragraph 1, points (a) and (b), the Member State responsible shall examine or complete the examination of the application for international protection pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation]. | 3. In the situations referred to in paragraph 1, points (a) and (b), the Member State responsible shall examine or complete the examination of the application for international protection pursuant to [...] Regulation (EU) XXX/XXX [Asylum Procedure Regulation] shall apply.                                                                                                 | 3. In the situations referred to in paragraph 1, points (a) and (b), the Member State responsible shall examine or complete the examination of the application for international protection pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation]. |
|   | Article 27                        |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                |
| y | 322                               | Article 27                                                                                                                                                                                                                                                     | Article 27                                                                                                                                                                                                                                                                                                                                                                       | Article 27                                                                                                                                                                                                                                                     |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                    | Cessation of responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Cessation of responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Cessation of responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Cessation of responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 27(1), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 323                                | <p>1. Where a Member State issues a residence document to the applicant, decides to apply Article 25, or does not transfer the person concerned to the Member State responsible within the time limits set out in Article 35, that Member State shall become the Member State responsible and the obligations laid down in Article 26 shall be transferred to that Member State. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of the applicant or has received a take back notification, using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</p> | <p>1. Where a Member State issues a residence document to the applicant, decides to apply Article 25, or does not transfer the person concerned to the Member State responsible within the time limits set out in Article 35, that Member State shall become the Member State responsible and the obligations laid down in Article 26 shall be transferred to that Member State. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of <del>the applicant or has received a</del> <u>or</u> take back <del>notification</del> <u>the applicant</u>, using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</p> | <p>1. Where a Member State issues a residence document to the applicant, decides to apply Article 25, or does not transfer the person concerned to the Member State responsible within the time limits set out in Article 35, that Member State shall become the Member State responsible and the obligations laid down in Article 26 shall be transferred to that Member State. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of the applicant or has received a take back notification, using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</p> | <p>1. Where a Member State issues a residence document to the applicant, decides to apply Article 25, or does not transfer the person concerned to the Member State responsible within the time limits set out in Article 35, that Member State shall become the Member State responsible and the obligations laid down in Article 26 shall be transferred to that Member State. Where applicable, it shall inform the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge <del>of</del> <u>for take back the applicant/of</u> the applicant or has received a take back notification<del>l</del>, using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.</p> <p>Linked to the discussion on take back requests/notifications.</p> |
| Article 27(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 324                                | The first subparagraph shall not apply if the person has already been                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The first subparagraph shall not apply if the person has already been                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Linked to the discussion on inclusion of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                    | Commission Proposal                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                             |
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|                                    | granted international protection by the responsible Member State.                                                                                                                                                                       | granted international protection by the responsible Member State, <u>provided that the transfer of the person concerned is in accordance with Article 4 of the Charter of Fundamental Rights.</u>                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>beneficiaries.</i><br><i>If beneficiaries are kept in the scope, this addition should be included in Article 8(3). The rule here is about shift of responsibility for other situations than Article 4 of the Charter (where a transfer can in principle take place).</i> |
| Article 27(1), third subparagraph  |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                             |
| 325                                | The Member State which becomes responsible pursuant to the first subparagraph of this Article shall indicate that it has become the Member State responsible pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation]. | The Member State which becomes responsible pursuant to the first subparagraph of this Article shall indicate that it has become the Member State responsible pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation]. | The Member State which becomes responsible pursuant to the first subparagraph of this Article shall indicate that it has become the Member State responsible pursuant to Article 11(3) of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> Eurodac Regulation].                                                                                                                                                                                 | The Member State which becomes responsible pursuant to the first subparagraph of this Article shall indicate that it has become the Member State responsible pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation].                                     |
| Article 27(1a), first subparagraph |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                             |
| 325a                               |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                         | <b>1aa. Following an examination of the application in a border procedure pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation], the obligations laid down in Article 26(1) of this Regulation shall cease 15 months after a decision rejecting an application as inadmissible, as unfounded or as manifestly unfounded with regard to refugee status or subsidiary protection status, a decision rejecting or an act declaring an</b> | <i>Political issue</i>                                                                                                                                                                                                                                                      |

|                                      | Commission Proposal | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement |
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|                                      |                     |            | application as implicitly withdrawn or an act or a decision declaring an application as explicitly withdrawn has become final.                                                                                                                                                                                                                                                                                                                                                        |                 |
| Article 27(1aa), second subparagraph |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 325b                                 |                     |            | An application registered after the period referred to in the first subparagraph shall be regarded as a new application for the purpose of this Regulation, thereby giving rise to a new procedure for determining the Member State responsible.                                                                                                                                                                                                                                      | Political issue |
| Article 27(1b)                       |                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                 |
| 325c                                 |                     |            | Notwithstanding the first subparagraph, where the person applies for international protection in another Member State within the 15 months period referred to in that subparagraph and a take back procedure is pending at the date of the expiration of that 15 months period, responsibility shall not cease until that take back procedure is completed or the time limits for the transferring Member State to carry out the transfer in accordance with Article 35 have expired. | Political issue |

|      | Commission Proposal                 | EP Mandate | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|      | Article 27(1a)                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 325d |                                     |            | <p>1a. The obligations laid down in Article 26(1) of this Regulation shall cease where the Member State responsible can establish, on the basis of data recorded and stored in accordance with Regulation (EU) 2017/2226<sup>1</sup> or other evidence, that the person concerned has left the territory of the Member States for at least nine months, unless the person concerned is in possession of a valid residence document issued by the Member State responsible.</p> <p>1. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, OJ L 327, 9.12.2017, p. 20.</p> | <p><u>1a. The obligations laid down in Article 26(1) of this Regulation shall cease where the Member State responsible can establish, on the basis of data recorded and stored in accordance with Regulation (EU) 2017/2226<sup>1</sup> or other evidence, that the person concerned has left the territory of the Member States for at least [three/nine] months, unless the person concerned is in possession of a valid residence document issued by the Member State responsible.</u></p> <p><u>1. 1. Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, OJ L 327, 9.12.2017, p. 20.</u></p> <p>Corresponding EP text in line 326</p> |
|      | Article 27(1a), second subparagraph |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 325e |                                     |            | An application registered after the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>An application registered after the</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Article 27(2), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 326                               | 2. The obligation laid down in Article 26(1), point (b), of this Regulation to take back a third-country national or a stateless person shall cease where it can be established, on the basis of the update of the data set referred to in Article 11(2)(c) of Regulation (EU) XXX/XXX [Eurodac Regulation], that the person concerned has left the territory of the Member States, on either a compulsory or a voluntary basis, in compliance with a return decision or removal order issued following the withdrawal or rejection of the application. | 2. The <del>obligation laid down</del> <u>obligations specified</u> in Article <del>26(1), point (b), of this Regulation to take back a third-country national or a stateless person shall cease where it can be established, on the basis of the update of the data set</del> <u>26 shall cease where the Member State responsible can establish, when requested to take charge or take back an applicant or another person as</u> referred to in Article <del>11(2)(c) of Regulation (EU) XXX/XXX [Eurodac Regulation],</del> <u>26</u> that the person concerned has left the territory of the Member States <u>for at least three months</u> , on either a compulsory or a voluntary basis, <del>in compliance with a return decision or removal order issued following the withdrawal or rejection of the application unless the person concerned is in possession of a valid residence document or visa issued by the Member State responsible.</del> | 2. The obligation laid down in Article 26(1), point (b), of this Regulation to take back a third-country national or a stateless person shall cease where it can be established, on the basis of the update of the data set referred to in Article 11(2)(c) of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> ], that the person concerned has left the territory of the Member States, on either a compulsory or a voluntary basis, in compliance with a return decision or removal order issued following the withdrawal or rejection of the application. | 2. The obligation laid down in Article 26(1), point (b), of this Regulation to take back a third-country national or a stateless person shall cease where it can be established, on the basis of the update of the data set referred to in Article 11(2)(c) of Regulation (EU) XXX/XXX [Eurodac Regulation], that the person concerned has left the territory of the Member States, on either a compulsory or a voluntary basis, in compliance with a return decision or removal order issued following the withdrawal or rejection of the application. |

|   | Commission Proposal                | EP Mandate                                                                                                                                                                                                                           | Council Mandate                                                                                                                                                                                                                                                 | Draft Agreement                                                                                                                                                                                                                                                 |
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|   | Article 27(2), second subparagraph |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |
| Y | 327                                | An application registered after an effective removal has taken place shall be regarded as a new application for the purpose of this Regulation, thereby giving rise to a new procedure for determining the Member State responsible. | An application registered after an effective removal <b>or voluntary return</b> has taken place shall be regarded as a new application for the purpose of this Regulation, thereby giving rise to a new procedure for determining the Member State responsible. | An application registered after an effective removal <b>or voluntary return</b> has taken place shall be regarded as a new application for the purpose of this Regulation, thereby giving rise to a new procedure for determining the Member State responsible. |
|   | CHAPTER V                          |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |
| G | 328                                | CHAPTER V<br>PROCEDURES                                                                                                                                                                                                              | CHAPTER V<br>PROCEDURES                                                                                                                                                                                                                                         | CHAPTER V<br>PROCEDURES                                                                                                                                                                                                                                         |
|   | SECTION I                          |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |
| G | 329                                | SECTION I Start of the procedure                                                                                                                                                                                                     | SECTION I Start of the procedure                                                                                                                                                                                                                                | SECTION I Start of the procedure                                                                                                                                                                                                                                |
|   | Article 28                         |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |
| G | 330                                | Article 28<br>Start of the procedure                                                                                                                                                                                                 | Article 28<br>Start of the procedure                                                                                                                                                                                                                            | Article 28<br>Start of the procedure                                                                                                                                                                                                                            |
|   | Article 28(1)                      |                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                 |
|   | 331                                | 1. The Member State where an application for international protection is first registered pursuant to Regulation (EU) XXX/XXX                                                                                                        | 1. The Member State where an application for international protection is first registered pursuant to Regulation (EU) XXX/XXX                                                                                                                                   | <u>Drafting suggestion:</u><br>1. The Member State where an application for international protection is first registered pursuant                                                                                                                               |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                                                                                                     |
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|                                    | [Asylum Procedure Regulation] or, where applicable, the Member State of relocation shall start the process of determining the Member State responsible without delay.                                                                                                                                                                                      | [Asylum Procedure Regulation] <del>or, where applicable, the Member State of relocation</del> shall start the process of determining the Member State responsible without delay.                                                                                                                                                                                          | <del>[Asylum Procedure Regulation]</del> <b>Asylum Procedure Regulation</b> or, where applicable, the Member State of relocation shall start the process of determining the Member State responsible without delay.                                                                                                                                                                          | to Regulation (EU) XXX/XXX [Asylum Procedure Regulation] <b>or, where applicable, the Member State of relocation</b> shall start the process of determining the Member State responsible without delay.                                                                                                                                                             |
| Article 28(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                     |
| 331a                               |                                                                                                                                                                                                                                                                                                                                                            | <u>Where the Member State where an application for international protection is first registered has justified reasons to believe that another Member State is responsible for the examination of an application for international protection, it shall immediately start the process of submitting a take charge or take back request pursuant to Articles 29 and 31.</u> |                                                                                                                                                                                                                                                                                                                                                                                              | <u>Drafting suggestion:</u><br><br>Deletion                                                                                                                                                                                                                                                                                                                         |
| Article 28(2)                      |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                     |
| 332                                | 2. The Member State where an application is first registered or, where applicable, the Member State of relocation shall continue the process of determining the Member State responsible if the applicant leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State. | 2. The Member State where an application is first registered or, where applicable, the Member State of relocation shall continue the process of determining the Member State responsible if the applicant leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State.                | 2. The Member State where an application is first registered or, where applicable, the Member State of relocation shall continue the process of determining the Member State responsible if the applicant <del>leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State</del> <b>absconds [...]</b> . | <u>Drafting suggestion:</u><br><br>2. The Member State where an application is first registered or, where applicable, the Member State of relocation shall continue the process of determining the Member State responsible if the applicant <b>[leaves the territory of that Member State without authorisation or is otherwise not available to the competent</b> |

|                                               | Commission Proposal                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                               |
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|                                               |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           | authorities of that Member State/absconds].                                                                                                                                                                                                                                                                                   |
| Article 28(3), first subparagraph             |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |
| 333                                           | 3. The Member State which has conducted the process of determining the Member State responsible or which has become responsible pursuant to Article 8(4) of this Regulation shall indicate in Eurodac without delay pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation]: | 3. The Member State which has conducted the process of determining the Member State responsible or which has become responsible pursuant to Article 8(4) <u>or Article 58(3)</u> of this Regulation shall indicate in Eurodac without delay pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation]: | 3. The Member State which has conducted the process of determining the Member State responsible or which has become responsible pursuant to Article 8(4) of this Regulation shall indicate in Eurodac without delay pursuant to Article 11(1) of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> Eurodac Regulation]: | <u>Drafting suggestion:</u><br>3. The Member State which has conducted the process of determining the Member State responsible or which has become responsible pursuant to Article 8(4) of this Regulation shall indicate in Eurodac without delay pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation]: |
| Article 28(3), first subparagraph, point (a)  |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |
| 334                                           | (a) its responsibility pursuant to Article 8(2);                                                                                                                                                                                                                                               | (a) its responsibility pursuant to Article 8(2);                                                                                                                                                                                                                                                                       | (a) its responsibility pursuant to Article 8(2);                                                                                                                                                                                                                                                                          | (a) its responsibility pursuant to Article 8(2);                                                                                                                                                                                                                                                                              |
| Article 28(3), first subparagraph, point (aa) |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |
| 334a                                          |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        | (aa) its responsibility pursuant to Article 8(3);                                                                                                                                                                                                                                                                         | <u>Drafting suggestion:</u><br>(aa) its responsibility pursuant to Article 8(3);                                                                                                                                                                                                                                              |
| Article 28(3), first subparagraph, point (b)  |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |
| 335                                           | (b) its responsibility pursuant to Article 8(4);                                                                                                                                                                                                                                               | (b) its responsibility pursuant to Article 8(4);                                                                                                                                                                                                                                                                       | (b) its responsibility pursuant to Article 8(4);                                                                                                                                                                                                                                                                          | (b) its responsibility pursuant to Article 8(4);                                                                                                                                                                                                                                                                              |
| Article 28(3), first subparagraph, point (c)  |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                               |

|                                               | Commission Proposal                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                        | Draft Agreement                                                                                                                                                                                                                                                  |
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| 336                                           | (c) its responsibility due to its failure to comply with the time limits laid down in Article 29;                                                                                                                                                                      | (c) its responsibility due to its failure to comply with the time limits laid down in Article 29;                                                                                                                                                                      | (c) its responsibility due to its failure to comply with the time limits laid down in Article 29;                                                                                                                                                                      | (c) its responsibility due to its failure to comply with the time limits laid down in Article 29;                                                                                                                                                                |
| Article 28(3), first subparagraph, point (d)  |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                  |
| 337                                           | (d) the responsibility of the Member State which has accepted a request to take charge of the applicant pursuant to Article 30.                                                                                                                                        | (d) the responsibility of the Member State which has accepted a request to take charge of the applicant pursuant to Article 30.                                                                                                                                        | (d) the responsibility of the Member State which has accepted a request to take charge of the applicant pursuant to Article 30.                                                                                                                                        | (d) the responsibility of the Member State which has accepted a request to take charge of the applicant pursuant to Article 30.                                                                                                                                  |
| Article 28(3), first subparagraph, point (da) |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                  |
| 337a                                          |                                                                                                                                                                                                                                                                        | <u>(da) its responsibility pursuant to Article 58(3).</u>                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                        | <u>Drafting suggestion:</u><br>Deletion.                                                                                                                                                                                                                         |
| Article 28(3), second subparagraph            |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                  |
| 338                                           | Until this indication has been added, the procedures in paragraph 4 shall apply.                                                                                                                                                                                       | Until this indication has been added, the procedures in paragraph 4 shall apply.                                                                                                                                                                                       | Until this indication has been added, the procedures in paragraph 4 shall apply.                                                                                                                                                                                       | Until this indication has been added, the procedures in paragraph 4 shall apply.                                                                                                                                                                                 |
| Article 28(4), first subparagraph             |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                  |
| 339                                           | 4. An applicant who is present in another Member State without a residence document or who there makes an application for international protection during the process of determining the Member State responsible, shall be taken back, under the conditions laid down | 4. An applicant who is present in another Member State without a residence document or who there makes an application for international protection during the process of determining the Member State responsible, shall be taken back, under the conditions laid down | 4. An applicant who is present in another Member State without a residence document or who there makes an application for international protection during the process of determining the Member State responsible, shall be taken back, under the conditions laid down | <u>Drafting suggestion:</u><br>4. An applicant who is present in another Member State without a residence document or who there makes an application for international protection during the process of determining the Member State responsible, shall be taken |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                    | in Articles 31 and 35, by the Member State with which that application was first registered.                                                                                                                                                                                                                                                                                                                                                                 | in Articles 31 and 35, by the Member State with which that application was first registered. <del>with</del> <u>a view to completing the process of determining the Member State responsible.</u>                                                                                                                                                                                                                                                                                         | in Articles 31 and 35, by the <del>determining</del> Member State <del>with which that application was first registered</del> [...].                                                                                                                                                                                                                                                                                                                                                                                                    | back, under the conditions laid down in Articles 31 and 35, by the <b>determining</b> Member State                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Article 28(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 340                                | That obligation shall cease where the Member State determining the Member State responsible can establish that the applicant has obtained a residence document from another Member State.                                                                                                                                                                                                                                                                    | That obligation shall cease where the Member State determining the Member State responsible can establish that the applicant has obtained a residence document from another Member State, <u>or where a Member States decides to apply Article 25.</u>                                                                                                                                                                                                                                    | That obligation shall cease where the Member State determining the Member State responsible can establish that the applicant has obtained a residence document from another Member State.                                                                                                                                                                                                                                                                                                                                               | <u>Drafting suggestion:</u><br>That obligation shall cease where the Member State determining the Member State responsible can establish that the applicant has obtained a residence document from another Member State.                                                                                                                                                                                                                                                                                                      |
| Article 28(5)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 341                                | 5. An applicant who is present in a Member State without a residence document or who there makes an application for international protection after another Member State has confirmed to relocate the person concerned pursuant to Article 57(7), and before the transfer has been carried out to that Member State pursuant to Article 57(9), shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State of relocation. | 5. An applicant who is present in a Member State without a residence document or who there makes an application for international protection after another Member State has confirmed to relocate the person concerned pursuant to Article 57(7), and before the <del>transfer</del> <u>relocation</u> has been carried out to that Member State pursuant to Article 57(9), shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State of relocation. | 5. An applicant who is present in a Member State without a residence document or who there makes an application for international protection after another Member State has confirmed to relocate the person concerned pursuant to Article 57(7), and before the transfer has been carried out to that Member State pursuant to Article 57(9), shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State of relocation.<br><b>That obligation shall cease where the Member State of relocation</b> | <u>Drafting suggestion:</u><br>5. An applicant who is present in a Member State without a residence document or who there makes an application for international protection after another Member State has confirmed to relocate the person concerned pursuant to Article 57(7), and before the [transfer/ <u>relocation</u> ] has been carried out to that Member State pursuant to Article 57(9), shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State of relocation. <b>That</b> |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                    |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                | can establish that the applicant has obtained a residence document from another Member State.                                                                                                                                                                                                                                                                                                       | obligation shall cease where the Member State of relocation can establish that the applicant has obtained a residence document from another Member State.                                                                                                                                                                                                                                                                                                                                |
| SECTION II                         |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 342                                | SECTION II Procedures for take charge requests                                                                                                                                                                                                                                                                                                                | SECTION II Procedures for take charge requests                                                                                                                                                                                                                                                                                                                                                                 | SECTION II Procedures for take charge requests                                                                                                                                                                                                                                                                                                                                                      | SECTION II Procedures for take charge requests                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Article 29                         |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 343                                | Article 29<br>Submitting a take charge request                                                                                                                                                                                                                                                                                                                | Article 29<br>Submitting a take charge request                                                                                                                                                                                                                                                                                                                                                                 | Article 29<br>Submitting a take charge request                                                                                                                                                                                                                                                                                                                                                      | Article 29<br>Submitting a take charge request                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Article 29(1), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 344                                | 1. If a Member State where an application for international protection has been registered considers that another Member State is responsible for examining the application, it shall, without delay and in any event within two months of the date on which the application was registered, request that other Member State to take charge of the applicant. | 1. If <del>the</del> Member State <u>referred to in Article 28(1)</u> where an application for international protection has been registered considers that another Member State is responsible for examining the application, it shall, without delay and in any event within two months of the date on which the application was registered, request that other Member State to take charge of the applicant. | 1. If a Member State where an application for international protection has been registered considers that another Member State is responsible for examining the application, it shall, without delay and <del>in any event</del> <b>at the latest [...]</b> within two months of the date on which the application was registered, request that other Member State to take charge of the applicant. | <u>Drafting suggestion:</u><br>1. If <u>the</u> Member State <u>referred to in Article 28(1)</u> considers that another Member State is responsible for examining the application, it shall, <b>immediately</b> and <b>in any event</b> within two months of the date on which the application was registered, request that other Member State to take charge of the applicant.<br><b>Member States shall prioritise requests made on the basis of Articles 15 to 18 and Article 24.</b> |
| Article 29(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                |
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| 345                               | Notwithstanding the first subparagraph, in the case of a Eurodac hit with data recorded pursuant to Articles 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21 of Regulation (EC) No 767/2008, the request to take charge shall be sent within one month of receiving that hit. | <i>deleted</i>                                                                                                                                                                                                                         | Notwithstanding the first subparagraph, in the case of a Eurodac hit with data recorded pursuant to Articles 13 and 14a of Regulation (EU) XXX/XXX [ <del>Eurodac Regulation</del> Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21 of Regulation (EC) No 767/2008, the request to take charge shall be sent within one month of receiving that hit. | <u>Drafting suggestion:</u><br><br>Notwithstanding the first subparagraph, in the case of a Eurodac hit with data recorded pursuant to Articles 13 and 14a of Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> ] or of a VIS hit with data recorded pursuant to Article 21 of Regulation (EC) No 767/2008, the request to take charge shall be sent within one month of receiving that hit. |
| 345a                              |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                   | <u>Drafting suggestion:</u><br><i>new subparagraph</i><br><br>[Where the applicant has lodged an appeal or review pursuant to paragraphs 1a or 1b of Article 33, and the final decision by the court or tribunal is in favour of the applicant, the time periods laid down in the first subparagraph of this paragraph shall start from the date of that decision.]                            |
| Article 29(1), third subparagraph |                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                |
| 346                               | Where the request to take charge of an applicant is not made within the periods laid down in the first and second subparagraphs, responsibility for examining the application for international protection shall lie with the Member State where the                                                                                               | Where the request to take charge of an applicant is not made within the periods laid down in the first <del>and second</del> <i>subparagraphs</i> <u>subparagraph</u> , responsibility for examining the application for international | Where the request to take charge of an applicant is not made within the periods laid down in the first and second subparagraphs, responsibility for examining the application for international protection shall lie with the Member State where the                                                                                                                              | <u>Drafting suggestion:</u><br><br>Where the request to take charge of an applicant is not made within the periods laid down in the first and second subparagraphs, responsibility for examining the application for international protection shall lie with                                                                                                                                   |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                    | application was registered.                                                                                                                                                                                                                                                                                                                                                   | protection shall lie with the Member State where the application was registered.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | application was registered.                                                                                                                                                                                                                                                                                                                                                                                                                                | the Member State where the application was registered.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Article 29(1), fourth subparagraph |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 347                                | Where the applicant is an unaccompanied minor, the determining Member State may, where it considers that it is in the best interest of the minor, continue the procedure for determining the Member State responsible and request another Member State to take charge of the applicant despite the expiry of the time limits laid down in the first and second subparagraphs. | <u><i>The period referred to in the first subparagraph shall start to run where the applicant is an unaccompanied minor, <b>when a guardian has been appointed or when the best interest of the child assessment pursuant to Article 13(4) has been concluded.</b> The determining Member State <del>may</del> shall also, where it considers that it is in the best interest of the minor <b>or the request is based on Article 16, 17 or 24,</b> continue the procedure for determining the Member State responsible and request another Member State to take charge of the applicant despite the expiry of the time limits laid down in the first <del>and second</del> subparagraphs</i></u> subparagraph. | Where the applicant is an unaccompanied minor, the determining Member State may, <b>at any time before a first decision regarding the substance is taken,</b> where it considers that it is in the best interest of the minor, continue the procedure for determining the Member State responsible and request another Member State to take charge of the applicant despite the expiry of the time limits laid down in the first and second subparagraphs. | <u>Drafting suggestion:</u><br><br>Where the applicant is an unaccompanied minor, the determining Member State <b>shall, at any time before a first decision regarding the substance is taken,</b> where it considers that it is in the best interest of the minor, continue the procedure for determining the Member State responsible and request another Member State to take charge of the applicant, in particular if <b>the request is based on Article 16, 17 or 24,</b> despite the expiry of the time limits laid down in the first and second subparagraphs. |
| Article 29(2), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 348                                | 2. The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued.                                                                                                                                                                       | 2. The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2. The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued.                                                                                                                                                                                                                                                    | 2. The requesting Member State may request an urgent reply in cases where the application for international protection was registered after a decision to refuse entry or a return decision was issued.                                                                                                                                                                                                                                                                                                                                                                |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Article 29(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 349                                | The request shall state the reasons warranting an urgent reply and the period within which a reply is requested. That period shall be at least one week.                                                                                                                                                                                                                                                                                                       | The request shall state the reasons warranting an urgent reply and the period within which a reply is requested. That period shall be <del>at least one week</del> <u>two weeks</u> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The request shall state the reasons warranting an urgent reply and the period within which a reply is requested. That period shall be at least one week.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Drafting suggestion:</u><br><br>The request shall state the reasons warranting an urgent reply and the period within which a reply is requested. That period shall be at least one week.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Article 29(3), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 350                                | 3. In the cases referred to in paragraphs 1 and 2, the take charge request by another Member State shall be made using a standard form and including proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the applicant'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. | 3. <del>In the cases referred to in paragraphs 1 and 2,</del> The take charge request <del>by another Member State</del> shall be made using a standard form and <del>including proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the applicant's statement</del> <u>include the relevant elements from the applicant's statement and the proof or circumstantial evidence, or any other documentation or information used to justify the request</u> , enabling the authorities of the requested Member State to check whether it is responsible <u>based on the</u> <del>basis of the</del> criteria laid down in this Regulation. | 3. In the cases referred to in paragraphs 1 and 2, the take charge request by another Member State shall <b>include full and detailed reasons, based on all the circumstances of the case, relating to the relevant criteria of the hierarchy set out in Chapter II.</b> It shall be made using a standard form and including proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the applicant'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. | <u>Drafting suggestion:</u><br><br>3. The take charge request shall <b>include full and detailed reasons, based on all the circumstances of the case <u>including the relevant elements from the applicant's statement</u>, relating to the relevant criteria of the hierarchy set out in Chapter II and, where applicable, [the template referred to in Article 12 (1) ].</b> It shall be made using a standard form and including proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or <u>any other documentation or information</u> relevant for <u>justifying the request</u> , 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. |

|                                    | Commission Proposal                                                                                                                                                                                                                                          | EP Mandate                                                                                                                                                                                                                                                   | Council Mandate                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                                                                                               |
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| Article 29(3), second subparagraph |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                               |
| 351                                | The Commission shall, by means of implementing acts, adopt uniform conditions on the preparation and submission of take charge requests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | The Commission shall, by means of implementing acts, adopt uniform conditions on the preparation and submission of take charge requests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | The Commission shall, by means of implementing acts, adopt uniform conditions on the preparation and submission of take charge requests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | The Commission shall, by means of implementing acts, adopt uniform conditions on the preparation and submission of take charge requests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                                                                                  |
| Article 30                         |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                               |
| 352                                | Article 30<br>Replying to a take charge request                                                                                                                                                                                                              | Article 30<br>Replying to a take charge request                                                                                                                                                                                                              | Article 30<br>Replying to a take charge request                                                                                                                                                                                                              | Article 30<br>Replying to a take charge request                                                                                                                                                                                                                                                                                                               |
| Article 30(1)                      |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                               |
| 353                                | 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 one month of receipt of the 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 <u>without delay and in any event</u> within one month of receipt of the 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 one month of receipt of the request.                                                                           | <u>Drafting suggestion:</u><br>1. The requested Member State shall make the necessary checks, and shall give a decision on the request to take charge of an applicant <u>without delay and in any event</u> within one month of receipt of the request. <b>Member States shall prioritise requests made on the basis of Articles 15 to 18 and Article 24.</b> |
| Article 30(2)                      |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                               |
| 354                                | 2. Notwithstanding the first paragraph, in the case of a Eurodac hit with data recorded pursuant to                                                                                                                                                          | <i>deleted</i>                                                                                                                                                                                                                                               | 2. Notwithstanding the first paragraph, in the case of a Eurodac hit with data recorded pursuant to                                                                                                                                                          | <u>Drafting suggestion:</u><br>2. Notwithstanding the first paragraph, in the case of a Eurodac                                                                                                                                                                                                                                                               |

|                                     | Commission Proposal                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                |
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|                                     | Article 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21(2) of Regulation (EC) No 767/2008, the requested Member State shall give a decision on the request within two weeks of receipt of the request. |                                                                                                                                                                                                                                                                                                                     | Article 13 and 14a of Regulation (EU) XXX/XXX [ <del>Eurodac Regulation</del> Regulation] or of a VIS hit with data recorded pursuant to Article 21(2) of Regulation (EC) No 767/2008, the requested Member State shall give a decision on the request within two weeks of receipt of the request. | hit with data recorded pursuant to Article 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation] or of a VIS hit with data recorded pursuant to Article 21(2) of Regulation (EC) No 767/2008, the requested Member State shall give a decision on the request within two weeks of receipt of the request. |
| Article 30(3)                       |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                |
| 355                                 | 3. In the procedure for determining the Member State responsible elements of proof and circumstantial evidence shall be used.                                                                                                                                               | 3. In the procedure for determining the Member State responsible elements of proof and circumstantial evidence <u>and any other any other documentation or information</u> shall be used.                                                                                                                           | 3. In the procedure for determining the Member State responsible elements of proof and circumstantial evidence shall be used.                                                                                                                                                                      | <u>Drafting suggestion:</u><br><br>3. In the procedure for determining the Member State responsible elements of proof and circumstantial evidence shall be used.                                                                                                                                               |
| Article 30(3a), first subparagraph  |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                |
| 355a                                |                                                                                                                                                                                                                                                                             | <u>3a. Where the requested Member State does not object to the request within the time limits set out in paragraph 1 and 2, this shall be tantamount to accepting the request and entail the obligation to take charge of the applicant, including the obligation to provide for proper arrangement for travel.</u> |                                                                                                                                                                                                                                                                                                    | <u>Drafting suggestion:</u><br><br>Deletion                                                                                                                                                                                                                                                                    |
| Article 30(3a), second subparagraph |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                |
| 355b                                |                                                                                                                                                                                                                                                                             | <u>The objection referred to in the first</u>                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                    | <u>Drafting suggestion:</u>                                                                                                                                                                                                                                                                                    |

|                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                   |
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|                              |                                                                                                                                                                                                                                                                                                                                                                                   | <u>subparagraph shall include elements of proof and circumstantial evidence.</u>                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                   | Deletion                                                                                                                                                                                                                                                                                                                                                                          |
| Article 30(4)                |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |
| 356                          | 4. The Commission shall, by means of implementing acts, establish, and review periodically, two lists, indicating the relevant elements of proof and circumstantial evidence in accordance with the criteria set out in points (a) and (b) of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish, and review periodically, two lists, indicating the relevant elements of proof and circumstantial evidence in accordance with the criteria set out in points (a) and (b) of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish, and review periodically, two lists, indicating the relevant elements of proof and circumstantial evidence in accordance with the criteria set out in points (a) and (b) of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish, and review periodically, two lists, indicating the relevant elements of proof and circumstantial evidence in accordance with the criteria set out in points (a) and (b) of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). |
| Article 30(4), point (a)     |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |
| 357                          | (a) Proof:                                                                                                                                                                                                                                                                                                                                                                        | (a) Proof:                                                                                                                                                                                                                                                                                                                                                                        | (a) Proof:                                                                                                                                                                                                                                                                                                                                                                        | (a) Proof:                                                                                                                                                                                                                                                                                                                                                                        |
| Article 30(4), point (a)(i)  |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |
| 358                          | (i) this refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;                                                                                                                                                                                                                               | (i) this refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;                                                                                                                                                                                                                               | (i) this refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;                                                                                                                                                                                                                               | (i) this refers to formal proof which determines responsibility pursuant to this Regulation, as long as it is not refuted by proof to the contrary;                                                                                                                                                                                                                               |
| Article 30(4), point (a)(ii) |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                   |
| 359                          | (ii) the Member States shall provide the Committee provided for in                                                                                                                                                                                                                                                                                                                | (ii) the Member States shall provide the <del>Committee provided for in</del>                                                                                                                                                                                                                                                                                                     | (ii) the Member States shall provide the Committee provided for in                                                                                                                                                                                                                                                                                                                | <u>Drafting suggestion:</u><br>(ii) the Member States shall provide                                                                                                                                                                                                                                                                                                               |

|                              | Commission Proposal                                                                                                                                                   | EP Mandate                                                                                                                                                                        | Council Mandate                                                                                                                                                       | Draft Agreement                                                                                                                                                       |
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|                              | Article 67 with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs;                  | <del>Article 67</del> <u>Commission</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs; | Article 67 with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs;                  | the <u>Commission</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs;       |
| Article 30(4), point (b)     |                                                                                                                                                                       |                                                                                                                                                                                   |                                                                                                                                                                       |                                                                                                                                                                       |
| 360                          | (b) Circumstantial evidence:                                                                                                                                          | (b) Circumstantial evidence:                                                                                                                                                      | (b) Circumstantial evidence:                                                                                                                                          | (b) Circumstantial evidence:                                                                                                                                          |
| Article 30(4), point (b)(i)  |                                                                                                                                                                       |                                                                                                                                                                                   |                                                                                                                                                                       |                                                                                                                                                                       |
| 361                          | (i) this refers to indicative elements which while being refutable may be sufficient according to the evidentiary value attributed to them;                           | (i) this refers to indicative elements which while being refutable may be sufficient according to the evidentiary value attributed to them;                                       | (i) this refers to indicative elements which while being refutable may be sufficient according to the evidentiary value attributed to them;                           | (i) this refers to indicative elements which while being refutable may be sufficient according to the evidentiary value attributed to them;                           |
| Article 30(4), point (b)(ii) |                                                                                                                                                                       |                                                                                                                                                                                   |                                                                                                                                                                       |                                                                                                                                                                       |
| 362                          | (ii) their evidentiary value, in relation to the responsibility for examining the application for international protection shall be assessed on a case-by-case basis. | (ii) their evidentiary value, in relation to the responsibility for examining the application for international protection shall be assessed on a case-by-case basis.             | (ii) their evidentiary value, in relation to the responsibility for examining the application for international protection shall be assessed on a case-by-case basis. | (ii) their evidentiary value, in relation to the responsibility for examining the application for international protection shall be assessed on a case-by-case basis. |
| Article 30(5)                |                                                                                                                                                                       |                                                                                                                                                                                   |                                                                                                                                                                       |                                                                                                                                                                       |
| 363                          | 5. The requirement of proof shall not exceed what is necessary for the proper application of this Regulation.                                                         | 5. The requirement of proof shall not exceed what is necessary for the proper application of this Regulation.                                                                     | 5. The requirement of proof shall not exceed what is necessary for the proper application of this Regulation.                                                         | 5. The requirement of proof shall not exceed what is necessary for the proper application of this Regulation.                                                         |

|               | Commission Proposal                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Article 30(6) |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 364           | 6. The requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.                                               | 6. The requested Member State shall acknowledge its responsibility if the <u>proof</u> , circumstantial evidence <u>or any other documentation or information</u> is coherent, verifiable and sufficiently detailed to establish responsibility. | 6. The requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.                                               | <u>Drafting suggestion:</u><br><br>6. The requested Member State shall acknowledge its responsibility if the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility.<br><br><b>Where the request is made on the basis of Articles 15 to 18 and Article 24, and the requested Member State does not consider that the circumstantial evidence is coherent, verifiable and sufficiently detailed to establish responsibility, it shall justify the reasons in the reply referred to in paragraph 8.</b> |
| Article 30(7) |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 365           | 7. Where the requesting Member State has asked for an urgent reply pursuant to Article 29(2), the requested Member State shall reply within the period requested or, failing that, within two weeks of receipt of the request. | <i>deleted</i>                                                                                                                                                                                                                                   | 7. Where the requesting Member State has asked for an urgent reply pursuant to Article 29(2), the requested Member State shall reply within the period requested or, failing that, within two weeks of receipt of the request. | <u>Drafting suggestion:</u><br><br>7. Where the requesting Member State has asked for an urgent reply pursuant to Article 29(2), the requested Member State shall reply within the period requested or, failing that, within two weeks of receipt of the request.                                                                                                                                                                                                                                                                                    |
| Article 30(8) |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 366           | 8. Where the requested Member State does not object to the request                                                                                                                                                             | <i>deleted</i>                                                                                                                                                                                                                                   | 8. Where the requested Member State does not object to the request                                                                                                                                                             | <u>Drafting suggestion:</u><br><br>8. Where the requested Member                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|             | Commission Proposal                                                                                                                                                                                                                                                                                                                                                    | EP Mandate                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|             | within the one-month period set out in paragraph 1 by a reply which gives full and detailed reasons, or where applicable within the two-week period set out in paragraphs 2 and 7, this shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival. |                                                                               | within the one-month period set out in paragraph 1 [...], <b>or where applicable within the two-week period set out in paragraphs 2 and 7</b> , by a reply which gives full and detailed reasons, or where applicable within the two-week period <b>substantiated reasons based on all the circumstances of the case relating to the relevant criteria</b> set out in paragraphs 2 and 7 <b>Chapter II</b> , this shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival. <b>The Commission shall, by means of implementing acts, draw up a standard form for the reasoning of the replies required pursuant to this Article. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).</b> | State does not object to the request within the one-month period set out in paragraph 1, <b>or where applicable within the two-week period set out in paragraphs 2 and 7</b> , by a reply which gives <b>substantiated reasons, based on all the circumstances of the case relating to the relevant criteria</b> set out in <b>Chapter II</b> , this shall be tantamount to accepting the request, and entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival. <i><b>The substantiated reasons shall be supported by proof and circumstantial evidence where available.</b></i> The Commission shall, by means of implementing acts, draw up a standard form for the reasoning of the replies required pursuant to this Article. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2). |
| SECTION III |                                                                                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 367         | SECTION III Procedures for take back notifications                                                                                                                                                                                                                                                                                                                     | SECTION III Procedures for take back <del>notifications</del> <u>requests</u> | SECTION III Procedures for take back notifications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>Drafting suggestion:</u><br><br>SECTION III Procedures for take back [notifications/ <u>requests</u> ]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Article 31  |                                                                                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 368         |                                                                                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Drafting suggestion:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                    | Commission Proposal                                                                                                                                                                                                                     | EP Mandate                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                    | Article 31<br>Submitting a take back notification                                                                                                                                                                                       | Article 31<br>Submitting a take back<br><del>notification</del> <u>request</u>                                                                                                                                                                                                                | Article 31<br>Submitting a take back notification                                                                                                                                                                                                                                                                                                                                                                                                                                 | Article 31<br>Submitting a take back<br>[notification/ <u>request</u> ]                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Article 31(1)                      |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 369                                | 1. In a situation referred to in Article 26(1), point (b), (c) or (d) the Member State where the person is present shall make a take back notification without delay and in any event within two weeks after receiving the Eurodac hit. | 1. In a situation referred to in Article 26(1), point (b), (c) or (d) the Member State where the person is present shall make a take back <del>notification</del> <u>request</u> without delay and in any event within <del>two weeks</del> <u>one month</u> after receiving the Eurodac hit. | 1. In a situation referred to in Article 26(1), point (b), <del>(c) or (d)</del> [...] <b>or (d)</b> , the Member State where the person is present shall make a take back notification <del>without delay and in any event</del> [...] within two weeks after receiving the Eurodac hit. <b>Failure to make the take back notification within the time limit shall be without prejudice to the obligation of the Member State responsible to take back the person concerned.</b> | <u>Drafting suggestion:</u><br>1. In a situation referred to in Article 26(1), point (b), [(c)] or (d) the Member State where the person is present shall make a take back [notification/ <u>request</u> ] <u>immediately and in any event</u> within [two weeks/ <u>one month</u> ] after receiving the Eurodac hit.<br><b>[Failure to make the take back notification within the time limit shall be without prejudice to the obligation of the Member State responsible to take back the person concerned. ]</b> |
| Article 31(1), second subparagraph |                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 369a                               |                                                                                                                                                                                                                                         | <u>Where the take back request is not made within the established time limits, the responsibility for examining the application for international protection shall lie with the Member State where the applicant is present.</u>                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Drafting suggestion:</u><br>(NB: this text is opposite to the text introduced by the Council in the previous subparagraph. Only one of them can stay in the final version)<br><br><b>[Where the take back request is not made within the established time limits, the responsibility for examining the application for international protection shall lie</b>                                                                                                                                                    |

|               | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|               |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>with the Member State where the applicant is present</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 31(2) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 370           | 2. A take back notification shall be made using a standard form and shall include proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the statements of the person concerned.                        | 2. A take back <del>notification</del> <u>request</u> shall be made using a standard form and shall include proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the statements of the person concerned, <u>enabling the authorities of the requested Member State to check whether it is responsible.</u>                                                                                    | 2. A take back notification shall be made using a standard form and shall include proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the statements of the person concerned.                                                                                                                                                                                                                                  | <u>Drafting suggestion:</u><br>2. A take back [notification/ <u>request</u> ] shall be made using a standard form and shall include proof or circumstantial evidence as described in the two lists referred to in Article 30(4) and/or relevant elements from the statements of the person concerned                                                                                                                                                                                                                                                                                                            |
| Article 31(3) |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 371           | 3. The notified Member State shall confirm receipt of the notification to the Member State which made the notification within one week, unless the notified Member State can demonstrate within that time limit that its responsibility has ceased pursuant to Article 27. | 3. The <del>notified</del> <u>requested</u> Member State shall <del>confirm receipt of the notification</del> <u>accept the request</u> to the Member State which made the <del>notification</del> <u>request</u> within one <del>week</del> <u>month</u> , unless the <del>notified</del> <u>requested</u> Member State can demonstrate within that time limit that <del>its responsibility has ceased</del> <u>it is not responsible</u> pursuant to Article 27. | 3. The notified Member State shall confirm receipt of the notification to the Member State which made the notification within <del>one week</del> <u>two weeks</u> [...], unless the notified Member State can demonstrate within that time limit that its responsibility has ceased pursuant to Article 27, <b>or that the take back notification is based on an incorrect indication of the Member State responsible pursuant to Regulation (EU) XXX/XXX [Eurodac Regulation].</b> | <u>Drafting suggestion:</u><br>3. The [notified/ <u>requested</u> ] Member State shall [confirm receipt of the notification/ <u>accept the request</u> ] to the Member State which made the [notification/ <u>request</u> ] within [two week/one <u>month</u> ], unless the [notified/ <u>requested</u> ] Member State can demonstrate within that time limit that <u>it is not responsible</u> pursuant to Article 27 <b>or that the take back [notification/<u>request</u>] is based on an incorrect indication of the Member State responsible pursuant to Regulation (EU) XXX/XXX [Eurodac Regulation].</b> |

|               | Commission Proposal                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                                                         |
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| Article 31(4) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |
| 372           | 4. Failure to act within the one-week period set out in paragraph 3 shall be tantamount to confirming the receipt of the notification.                                                                                                                              | 4. Failure to act within the <del>one-week</del> <b>one month</b> period set out in paragraph 3 shall be tantamount to confirming the receipt of the <del>notification</del> <b>request</b> .                                                                                                                             | 4. Failure to act within the <del>one-week</del> <b>two [...] week</b> period set out in paragraph 3 shall be tantamount to confirming the receipt of the notification.                                                                                             | <u>Drafting suggestion:</u><br>4. Failure to act within the <b>[two-week/one month]</b> period set out in paragraph 3 shall be tantamount to confirming the receipt of the [notification/ <b>request</b> ].                                                                                                             |
| Article 31(5) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |
| 373           | 5. The Commission shall, by means of implementing acts, adopt uniform conditions for the preparation and submission of take back notifications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 5. The Commission shall, by means of implementing acts, adopt uniform <del>conditions</del> <b>methods</b> for the preparation and submission of take back <del>notifications</del> <b>requests</b> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 5. The Commission shall, by means of implementing acts, adopt uniform conditions for the preparation and submission of take back notifications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | <u>Drafting suggestion:</u><br>5. The Commission shall, by means of implementing acts, adopt uniform <b>methods</b> for the preparation and submission of take back [notification/ <b>request</b> ] Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). |
| SECTION IV    |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |
| 374           | SECTION IV Procedural safeguards                                                                                                                                                                                                                                    | SECTION IV Procedural safeguards                                                                                                                                                                                                                                                                                          | SECTION IV Procedural safeguards                                                                                                                                                                                                                                    | SECTION IV Procedural safeguards                                                                                                                                                                                                                                                                                        |
| Article 32    |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |
| 375           | Article 32<br>Notification of a transfer decision                                                                                                                                                                                                                   | Article 32<br>Notification of a transfer decision                                                                                                                                                                                                                                                                         | Article 32<br>Notification of a transfer decision                                                                                                                                                                                                                   | Article 32<br>Notification of a transfer decision                                                                                                                                                                                                                                                                       |
| Article 32(1) |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                         |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 376           | 1. The determining Member State whose take charge request as regards the applicant referred to in Article 26(1), point (a) was accepted or who made a take back notification as regards persons referred to in Article 26(1), point (b), (c) and (d) shall take a transfer decision at the latest within one week of the acceptance or notification.                                                                                                     | 1. The determining Member State whose take charge <del>request as regards the applicant referred to in Article 26(1), point (a) was accepted or who made a</del> <u>take back notification as regards persons referred to in Article 26(1), point (b), (c) and (d)</u> <u>request was accepted</u> shall take a transfer decision at the latest within one week of the acceptance <del>or notification</del> .                                                                                                                                                                                                                                                                                                                           | 1. The determining Member State whose take charge request as regards the applicant referred to in Article 26(1), point (a) was accepted or who made a take back notification as regards persons referred to in Article 26(1), point (b), <del>(c)</del> [...] and (d) shall take a transfer decision at the latest within <del>one week</del> <b>two weeks</b> [...] of the acceptance or <del>notification</del> <b>confirmation</b> [...].                                                                                                      | <u>Drafting suggestion:</u><br>1. The determining Member State whose take charge request as regards the applicant referred to in Article 26(1), point (a) was accepted or who made a take back [notification/ <u>request</u> ] as regards persons referred to in Article 26(1), point (b), <del>[(c)]</del> and (d) shall take a transfer decision at the latest within [one week/ <b>two weeks</b> ] of the acceptance [or <b>confirmation</b> ].                                                                                                                                                                                                                                                                                     |
| Article 32(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 377           | 2. Where the requested Member State accepts to take charge of an applicant or to take back a person referred to in Article 26(1), point (b), (c) or (d), the requesting or the notifying Member State shall notify the person concerned in writing without delay of the decision to transfer him or her to the Member State responsible and, where applicable, of the fact that it will not examine his or her application for international protection. | 2. Where the requested Member State accepts to take charge of <del>an applicant or to</del> , <u>or take back a person referred to in Article 26(1), point (b), (c) or (d), an applicant</u> the requesting <del>or the notifying</del> Member State shall notify the person concerned in writing, <u>in a plain language that he or she understands, within one week</u> <del>without delay</del> of the decision to transfer him or her to the Member State responsible and, where applicable, of the fact that it will not examine his or her application for international protection, <u>the consequences of the decision, including the time limits for carrying out the transfer and the obligation for the applicant set out</u> | 2. Where the requested <b>or notified</b> Member State accepts to take charge of an applicant or <b>confirms</b> to take back a person referred to in Article 26(1), point (b), <del>(c)</del> [...] or (d), the <del>requesting or the notifying</del> <b>transferring</b> [...] Member State shall notify the person concerned in writing without delay of the decision to transfer him or her to the Member State responsible and, where applicable, of the fact that it will not examine his or her application for international protection. | <u>Drafting suggestion:</u><br>2. Where the requested [ <b>or notified</b> ] Member State accepts to take charge of an applicant or [ <b>confirms</b> ] to take back a person referred to in Article 26(1), point (b), <del>[(c)]</del> or (d), the <b>transferring</b> Member State shall notify the person concerned in writing, <u>in a plain language</u> , [without delay/ <u>within one week</u> ] of the decision to transfer him or her to the Member State responsible and, where applicable, of the fact that it will not examine his or her application for international protection, <u>the time limits for carrying out the transfer and the obligation</u> to comply with the decision pursuant to <u>Article 9(5)</u> . |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                                                                             |
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|                                    |                                                                                                                                                                                                                                                                                      | <u>in Article 9(5).</u>                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| Article 32(2), second subparagraph |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| 377a                               |                                                                                                                                                                                                                                                                                      | <u>The notification shall also include, where available, information on the place where and the date on which the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.</u>                                                                               |                                                                                                                                                                                                                                                                                      | <u>Drafting suggestion:</u><br><br>Deletion                                                                                                                                                                                                                                                                                 |
| Article 32(3)                      |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| 378                                | 3. If a legal advisor or other counsellor is representing the person concerned, Member States may choose to notify the decision to such legal advisor or counsellor instead of to the person concerned and, where applicable, communicate the decision to the person concerned.      | 3. If a legal advisor or other counsellor is representing the person concerned, Member States <del>may choose to</del> <u>shall</u> notify the decision to such legal advisor or counsellor instead of to the person concerned and, <del>where applicable,</del> communicate the decision to the person concerned.                | 3. If a legal advisor or other counsellor is representing the person concerned, Member States may choose to notify the decision to such legal advisor or counsellor instead of to the person concerned and, where applicable, communicate the decision to the person concerned.      | <u>Drafting suggestion:</u><br><br>3. If a legal advisor or other counsellor is representing the person concerned, Member States <u>shall</u> , notify the decision to such legal advisor or counsellor instead of to the person concerned, <b>where applicable</b> , and communicate the decision to the person concerned. |
| Article 32(4), first subparagraph  |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                             |
| 379                                | 4. The decision referred to in paragraph 1 shall contain information on the legal remedies available, including on the right to apply for suspensive effect, and on the time limits applicable for seeking such remedies and for carrying out the transfer, and shall, if necessary, | 4. The decision referred to in paragraph 1 shall <del>contain</del> <u>also include</u> information on the legal remedies available <u>pursuant to Article 33</u> , including on the right to <del>apply for</del> suspensive effect, and on the time limits applicable for seeking such remedies <del>and for carrying out</del> | 4. The decision referred to in paragraph 1 shall contain information on the legal remedies available, including on the right to apply for suspensive effect, and on the time limits applicable for seeking such remedies and for carrying out the transfer, and shall, if necessary, | <u>Drafting suggestion:</u><br><br>4. The decision referred to in paragraph 1 shall <u>also include</u> information on the legal remedies available <u>pursuant to Article 33</u> , including on the right [to apply] for suspensive effect, and on the time limits applicable for seeking such                             |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                            | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                    | contain information on the place where, and the date on which, the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.                                                                                                                                                                                                               | <del>the transfer, and shall, if necessary, contain information on the place where, and the date on which, the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.</del>                                                                                                                                                                                                                  | contain information on the place where, and the date on which, the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means.                                                                                                                                                                                                               | remedies and for carrying out the transfer, and shall, if necessary, contain information on the place where, and the date on which, the person concerned is required to appear, if that person is travelling to the Member State responsible by his or her own means                                                                                                                                                                                |
| Article 32(4), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 380                                | Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned together with the decision referred to in paragraph 1, when that information has not been already communicated.                                                                                                                           | Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned together with the decision referred to in paragraph 1, when that information has not been already communicated.                                                                                                                                                                                | Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned together with the decision referred to in paragraph 1, when that information has not <del>been</del> already <b>been</b> communicated.                                                                                                    | Member States shall ensure that information on persons or entities that may provide legal assistance to the person concerned is communicated to the person concerned together with the decision referred to in paragraph 1, when that information has not <del>been</del> already <u>been</u> communicated.                                                                                                                                         |
| Article 32(5)                      |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 381                                | 5. Where the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall inform him or her of the main elements of the decision, which shall always include information on the legal remedies available and the time limits applicable for seeking such remedies, in a language that the person concerned understands or is reasonably supposed to understand. | 5. Where the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall inform him or her of the main elements of the decision, which shall always include information on the legal remedies available, <u>the right to suspensive effect</u> , and the time limits applicable for seeking such remedies, in a language that the person concerned understands <del>or is reasonably supposed to understand</del> . | 5. Where the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall inform him or her of the main elements of the decision, which shall always include information on the legal remedies available and the time limits applicable for seeking such remedies, in a language that the person concerned understands or is reasonably supposed to understand. | <u>Drafting suggestion:</u><br>5. Where the person concerned is not assisted or represented by a legal advisor or other counsellor, Member States shall inform him or her of the main elements of the decision, which shall always include information on the legal remedies available, <u>[the right to suspensive effect]</u> and the time limits applicable for seeking such remedies, in a language that the person concerned understands or is |

|                                               | Commission Proposal                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                           |
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|                                               |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                             | reasonably supposed to understand.                                                                                                                                                                                                                                                        |
| Article 33                                    |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| 382                                           | Article 33 Remedies                                                                                                                                                                                                                                        | Article 33 Remedies                                                                                                                                                                                                                                                                                                        | Article 33 Remedies                                                                                                                                                                                                                                                         | Article 33 Remedies                                                                                                                                                                                                                                                                       |
| Article 33(1), first subparagraph             |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| 383                                           | 1. The applicant or another person as referred to in Article 26(1), point (b), (c) and (d) shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision, before a court or tribunal. | 1. The applicant or another person as referred to in Article 26(1), <del>point (b), (c) and (d)</del> shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision, <u>or a decision to reject a take charge request</u> before a court or tribunal. | 1. The applicant or another person as referred to in Article 26(1), point (b), <del>(c)</del> [...] and (d) shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision, before a court or tribunal. | <u>Drafting suggestion:</u><br>1. The applicant or another person as referred to in Article 26(1) point (b), [(c)] and (d) shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a transfer decision before a court or tribunal. |
| Article 33(1), second subparagraph            |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| 384                                           | The scope of the remedy shall be limited to an assessment of:                                                                                                                                                                                              | The <del>scope of the remedy</del> <u>remedy against a transfer decision</u> shall <del>be limited to an</del> <u>entail an ex nunc</u> assessment of <u>at least</u> :                                                                                                                                                    | The scope of the remedy shall be limited to an assessment of:                                                                                                                                                                                                               | <u>Drafting suggestion:</u><br>The scope of the remedy shall be limited to an assessment of:                                                                                                                                                                                              |
| Article 33(1), second subparagraph, point (a) |                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                           |
| 385                                           | (a) whether the transfer would result in a real risk of inhuman or degrading treatment for the person concerned within the meaning of Article 4 of the Charter of Fundamental Rights;                                                                      | (a) whether the transfer would, <u>for the person concerned</u> , result in a real risk of <del>inhuman or degrading treatment for the person concerned within the meaning of Article 4 of a</del> <u>violation of a right guaranteed in</u>                                                                               | (a) whether the transfer would result in a real risk of inhuman or degrading treatment for the person concerned within the meaning of Article 4 of the Charter of Fundamental Rights;                                                                                       | <u>Drafting suggestion:</u><br>(a) whether the transfer would, <u>for the person concerned</u> , result in a real risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of                                                                                |

|                                               | Commission Proposal                                                                                                                                | EP Mandate                                                                                                                                         | Council Mandate                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                               |                                                                                                                                                    | the Charter of Fundamental Rights;                                                                                                                 |                                                                                                                                                    | Fundamental Rights;                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Article 33(1), second subparagraph, point (b) |                                                                                                                                                    |                                                                                                                                                    |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 386                                           | (b) whether Articles 15 to 18 and Article 24 have been infringed, in the case of the persons taken charge of pursuant to Article 26(1), point (a). | (b) whether Articles 15 to 18 and Article 24 have been infringed, in the case of the persons taken charge of pursuant to Article 26(1), point (a). | (b) whether Articles 15 to 18 and Article 24 have been infringed, in the case of the persons taken charge of pursuant to Article 26(1), point (a). | (b) whether Articles 15 to 18 and Article 24 have been infringed, in the case of the persons taken charge of pursuant to Article 26(1), point (a).                                                                                                                                                                                                                                                                                                              |
| Article 33(1a) and (1b)                       |                                                                                                                                                    |                                                                                                                                                    |                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 386a                                          |                                                                                                                                                    |                                                                                                                                                    |                                                                                                                                                    | <u>Drafting suggestion:</u><br><br><b>1a. Where the requested Member State refuses to take charge of an applicant pursuant to the criteria laid down in chapter II of Part III of this Regulation, the applicant shall have the right to an effective remedy before a court or tribunal in the requested Member State. The determining Member State shall notify the applicant in writing without delay of the refusal and on the legal remedies available.</b> |

|                                   | Commission Proposal                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 386b                              |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PUBLIC                                                                                                                                                                                                                                                                                         | <p><u>Drafting suggestion:</u></p> <p><b>1b. Member States shall provide for an effective remedy before a court or tribunal where the applicant has claimed to have a family member or, in the case of unaccompanied minors, a relative, or, in the the case of dependent persons, a child or a parent, who is legally present in a Member State other than the determining Member State, and no request to take charge has been sent to the other Member State within the time limit laid down in the first subparagraph of Article 29(1).</b></p> |
| Article 33(2)                     |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 387                               | <p>2. Member States shall provide for a period of two weeks after the notification of a transfer decision within which the person concerned may exercise his or her right to an effective remedy pursuant to paragraph 1.</p> | <p>2. Member States shall provide for a period of <del>two weeks</del> <u>one week</u> after the notification of a transfer decision <u>or decision to reject a take charge request</u> within which the person concerned may exercise his or her right to an effective remedy pursuant to paragraph 1. <u>No transfer shall take place before the decision on the appeal or review against a transfer decision is taken (suspensive effect).</u></p> | <p>2. Member States shall provide for a period of <del>two</del> <u>at least one week but no more than three [...]</u> weeks after the notification of a transfer decision within which the person concerned may exercise his or her right to an effective remedy pursuant to paragraph 1.</p> | <p><u>Drafting suggestion:</u></p> <p>2. Member States shall provide for a period of <u>[one week/ at least one week but no more than three]</u> weeks after the notification of a transfer decision <u>or decision to reject a take charge request</u> within which the person concerned may exercise his or her right to an effective remedy pursuant to paragraphs 1, <b>[1a or 1b]</b>.</p>                                                                                                                                                     |
| Article 33(3), first subparagraph |                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 388                                | <p>3. The person concerned shall have the right to request, within a reasonable period of time from the notification of the transfer decision, a court or tribunal to suspend the implementation of the transfer decision pending the outcome of his or her appeal or review. Member States shall ensure that an effective remedy is in place by suspending the transfer until the decision on the first suspension request is taken. Any decision on whether to suspend the implementation of the transfer decision shall be taken within one month of the date when that request reached the competent court or tribunal.</p> | <p><i>deleted</i></p> | <p>3. The person concerned shall have the right to request, within a reasonable period of time from the notification of the transfer decision <b>but in any event no longer than the period provided for by Member States pursuant to paragraph 2</b>, a court or tribunal to suspend the implementation of the transfer decision pending the outcome of his or her appeal or review. Member States <b>may provide in national law that the request to suspend the implementation of the transfer decision must be lodged together with the appeal pursuant to paragraph 1. Member States</b> shall ensure that an effective remedy is in place by suspending the transfer until the decision on the first suspension request is taken. Any decision on whether to suspend the implementation of the transfer decision shall be taken within one month of the date when that request reached the competent court or tribunal.</p> | <p><u>Drafting suggestion:</u><br/> <i>Whether this text will be kept or deleted depends on the final decision of the nature of the suspensive effect of the appeal.</i></p> <p>[3. The person concerned shall have the right to request, within a reasonable period of time from the notification of the transfer decision <b>but in any event no longer than the period provided for by Member States pursuant to paragraph 2</b>, a court or tribunal to suspend the implementation of the transfer decision pending the outcome of his or her appeal or review. Member States <b>may provide in national law that the request to suspend the implementation of the transfer decision must be lodged together with the appeal pursuant to paragraph 1. Member States</b> shall ensure that an effective remedy is in place by suspending the transfer until the decision on the first suspension request is taken. Any decision on whether to suspend the implementation of the transfer decision shall be taken within one month of the date when that request reached the competent court or tribunal. ]</p> |
| Article 33(3), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 389                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><u>Drafting suggestion:</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                    | Commission Proposal                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                  | Draft Agreement                                                                                                                                                                                                                                                                                                                                                |
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|                                    | Where the person concerned has not exercised his or her right to request suspensive effect, the appeal against, or review of, the transfer decision shall not suspend the implementation of a transfer decision. | <i>deleted</i>                                                                                                                                                                                                                                            | Where the person concerned has not exercised his or her right to request suspensive effect, the appeal against, or review of, the transfer decision shall not suspend the implementation of a transfer decision. | <i>Whether this text will be kept or deleted depends on the final decision of the nature of the suspensive effect of the appeal.</i><br><br>[Where the person concerned has not exercised his or her right to request suspensive effect, the appeal against, or review of, the transfer decision shall not suspend the implementation of a transfer decision.] |
| Article 33(3), third subparagraph  |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                |
| 390                                | A decision not to suspend the implementation of the transfer decision shall state the reasons on which it is based.                                                                                              | <i>deleted</i>                                                                                                                                                                                                                                            | A decision not to suspend the implementation of the transfer decision shall state the reasons on which it is based.                                                                                              | <u>Drafting suggestion:</u><br><i>Whether this text will be kept or deleted depends on the final decision of the nature of the suspensive effect of the appeal.</i><br><br>[A decision not to suspend the implementation of the transfer decision shall state the reasons on which it is based.]                                                               |
| Article 33(3), fourth subparagraph |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                |
| 391                                | If suspensive effect is granted, the court or tribunal shall endeavour to decide on the substance of the appeal or review within one month of the decision to grant suspensive effect.                           | <del><i>If suspensive effect is granted,</i></del> The court or tribunal shall endeavour to decide on the substance of the appeal or review within one month of the <del><i>decision to grant suspensive effect</i></del> <u><i>appeal or review.</i></u> | If suspensive effect is granted, the court or tribunal shall endeavour to decide on the substance of the appeal or review within one month of the decision to grant suspensive effect.                           | <u>Drafting suggestion:</u><br><i>Whether the text in [ ] will be kept or deleted depends on the final decision of the nature of the suspensive effect of the appeal.</i><br><br>[If suspensive effect is granted], the court or tribunal shall endeavour to decide on the substance of the appeal                                                             |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                              | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                    |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                             | or review within one month [of the decision to grant suspensive effect.]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Article 33(4)                      |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 392                                | 4. Member States shall ensure that the person concerned has access to legal assistance and, where necessary, to linguistic assistance.                                                                                                                                                                                                                                                                      | 4. Member States shall ensure that the person concerned has access to legal assistance <u>at all stages of the procedure</u> and, where necessary, to linguistic assistance.                                                                                                                                                                                                                                            | 4. Member States shall ensure that the person concerned has access to legal assistance and, where necessary, to linguistic assistance.                                                                                                                                                                                                                                                                      | <u>Drafting suggestion:</u><br><br>4. Member States shall ensure that the person concerned has access to legal assistance [ <u>at all stages of the procedure</u> ]. and, where necessary, to linguistic assistance.                                                                                                                                                                                                                                                                                                                                                                              |
| Article 33(5), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 393                                | 5. Member States shall ensure that legal assistance is granted on request free of charge where the person concerned cannot afford the costs involved. Member States may provide that, as regards fees and other costs, the treatment of persons subject to this Regulation shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. | 5. Member States shall ensure that legal assistance is granted on request free of charge <del>where the person concerned cannot afford the costs involved</del> . Member States may provide that, as regards fees and other costs, the treatment of persons subject to this Regulation shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. | 5. Member States shall ensure that legal assistance is granted on request free of charge where the person concerned cannot afford the costs involved. Member States may provide that, as regards fees and other costs, the treatment of persons subject to this Regulation shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. | <u>Drafting suggestion:</u><br><i>Whether the text in [ ] will be kept or deleted depends on the agreed scope of the free legal assistance. To be aligned also with APR.</i><br><br>5. Member States shall ensure that legal assistance is granted on request free of charge [where the person concerned cannot afford the costs involved]. Member States may provide that, as regards fees and other costs, the treatment of persons subject to this Regulation shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance. |
| Article 33(5), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 394                                |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Drafting suggestion:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                                    | Without arbitrarily restricting access to legal assistance, Member States may provide that free legal assistance and representation is not to be granted where the appeal or review is considered by the competent authority or a court or tribunal to have no tangible prospect of success.                                                                                                              | <i>deleted</i>                                                                                                                                                                                                                                                                                                                                                                                            | Without arbitrarily restricting access to legal assistance, Member States may provide that free legal assistance and representation is not to be granted where the appeal or review is considered by the competent authority or a court or tribunal to have no tangible prospect of success.                                                                                                              | <i>Whether this text will be kept or deleted depends on the agreed scope of the free legal assistance. To be aligned also with APR.</i><br><br>[Without arbitrarily restricting access to legal assistance, Member States may provide that free legal assistance and representation is not to be granted where the appeal or review is considered by the competent authority or a court or tribunal to have no tangible prospect of success. ] |
| Article 33(5), third subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 395                                | Where a decision not to grant free legal assistance and representation pursuant to the second subparagraph is taken by an authority other than a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal to challenge that decision. Where the decision is challenged, that remedy shall be an integral part of the remedy referred to in paragraph 1. | Where a decision not to grant free legal assistance and representation pursuant to the second subparagraph is taken by an authority other than a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal to challenge that decision. Where the decision is challenged, that remedy shall be an integral part of the remedy referred to in paragraph 1. | Where a decision not to grant free legal assistance and representation pursuant to the second subparagraph is taken by an authority other than a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal to challenge that decision. Where the decision is challenged, that remedy shall be an integral part of the remedy referred to in paragraph 1. | <u>Drafting suggestion:</u><br><br>Where a decision not to grant free legal assistance and representation pursuant to the second subparagraph is taken by an authority other than a court or tribunal, Member States shall provide the right to an effective remedy before a court or tribunal to challenge that decision. Where the decision is challenged, that remedy shall be an integral part of the remedy referred to in paragraph 1.   |
| Article 33(5), fourth subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 396                                | In complying with the requirements set out in this paragraph, Member States shall ensure that legal                                                                                                                                                                                                                                                                                                       | In complying with the requirements set out in this paragraph, Member States shall ensure that legal                                                                                                                                                                                                                                                                                                       | In complying with the requirements set out in this paragraph, Member States shall ensure that legal                                                                                                                                                                                                                                                                                                       | In complying with the requirements set out in this paragraph, Member States shall ensure that legal                                                                                                                                                                                                                                                                                                                                            |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                                                        |
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|                                   | assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.                                                                                                                                          | assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.                                                                                                                                                     | assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.                                                                                                                                          | assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.                                                                                                                                                                             |
| Article 33(5), fifth subparagraph |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                        |
| 397                               | Legal assistance shall include at least the preparation of the required procedural documents and representation before a court or tribunal and may be restricted to legal advisors or counsellors specifically designated by national law to provide assistance and representation. | Legal assistance shall include at least the preparation of the required procedural documents and representation before a court or tribunal <del>and may be restricted to legal advisors or counsellors specifically designated by national law to provide assistance and representation.</del> | Legal assistance shall include at least the preparation of the required procedural documents and representation before a court or tribunal and may be restricted to legal advisors or counsellors specifically designated by national law to provide assistance and representation. | <u>Drafting suggestion:</u><br><br>Legal assistance shall include at least the preparation of the required procedural documents and representation before a court or tribunal and may be restricted to legal advisors or counsellors specifically designated by national law to provide assistance and representation. |
| Article 33(5), sixth subparagraph |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                        |
| 398                               | Procedures for access to legal assistance shall be laid down in national law.                                                                                                                                                                                                       | Procedures for access to legal assistance shall be laid down in national law.                                                                                                                                                                                                                  | Procedures for access to legal assistance shall be laid down in national law.                                                                                                                                                                                                       | Procedures for access to legal assistance shall be laid down in national law.                                                                                                                                                                                                                                          |
| SECTION V                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                        |
| 399                               | SECTION V Detention for the purposes of transfer                                                                                                                                                                                                                                    | SECTION V Detention for the purposes of transfer                                                                                                                                                                                                                                               | SECTION V Detention for the purposes of transfer                                                                                                                                                                                                                                    | SECTION V Detention for the purposes of transfer                                                                                                                                                                                                                                                                       |
| Article 34                        |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                        |
| 400                               | Article 34<br>Detention                                                                                                                                                                                                                                                             | Article 34<br>Detention                                                                                                                                                                                                                                                                        | Article 34<br>Detention                                                                                                                                                                                                                                                             | Article 34<br>Detention                                                                                                                                                                                                                                                                                                |

|   | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|   |                     |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | Article 34(1)       |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Y | 401                 | 1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation.                                                                                                                                                                                                                                                   | 1. Member States <del>shall not</del> <u>may</u> hold a person in detention <del>for the sole reason that he or she is subject to the procedure established by this Regulation</del> <u>to secure the transfer procedures pursuant to Article 8(3), point (g), of Directive xxx/xxx [Reception Conditions Directive]</u> . | 1. Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation.                                                                                                                                                                                                                                                                                                                                                                                       |
|   | Article 34(2)       |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Y | 402                 | 2. Where there is a risk of absconding, Member States may detain the person concerned in order to secure transfer procedures in accordance with this Regulation, on the basis of an individual assessment and only in so far as detention is proportional and other less coercive alternative measures cannot be applied effectively, based on an individual assessment of the person's circumstances. | <i>deleted</i>                                                                                                                                                                                                                                                                                                             | 2. Where there is a risk of absconding <b>or when protection of national security or public order so requires</b> , Member States may detain the person concerned in order to secure transfer procedures in accordance with this Regulation, on the basis of an individual assessment <b>of the person's circumstances</b> , and only in so far as detention is proportional and other less coercive alternative measures cannot be applied effectively, <del>based on an individual assessment of the person's circumstances</del> [...]. |
|   | Article 34(2a)      |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Y | 402a                | <u>2a. As regards the detention conditions and the guarantees</u>                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                            | Suggested deletion, moved to line 403a.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                    | Commission Proposal                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                       | Council Mandate                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                |
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|                                    |                                                                                                                                                                                                                                                    | <u>applicable to applicants detained in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [Reception Conditions Directive] shall apply.</u> |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                |
| Article 34(3), first subparagraph  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                |
| 403                                | 3. Detention shall be for as short a period as possible and shall be for no longer than the time reasonably necessary to fulfil the required administrative procedures with due diligence until the transfer under this Regulation is carried out. | <i>deleted</i>                                                                                                                                                                                                   | 3. Detention shall be for as short a period as possible and shall be for no longer than the time reasonably necessary to fulfil the required administrative procedures with due diligence until the transfer under this Regulation is carried out. | 3. Detention shall be for as short a period as possible and shall be for no longer than the time reasonably necessary to fulfil the required administrative procedures with due diligence until the transfer under this Regulation is carried out.                                                                                             |
| Article 34(3a)                     |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                |
| 403a                               |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    | <u>3a. As regards the detention conditions and the guarantees applicable to applicants detained in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [Reception Conditions Directive] shall apply.</u><br><br>Text from lines 402a (EP mandate) and 410 (Council mandate) |
| Article 34(3), second subparagraph |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                |
| 404                                | Where an applicant or another                                                                                                                                                                                                                      |                                                                                                                                                                                                                  | Where an applicant or another                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                |

|   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                                                |
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|   | <p>person referred to in Article 26(1), point (b), (c) or (d) is detained pursuant to this Article, the period for submitting a take charge request or a take back notification shall not exceed two weeks from the registration of the application. Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back notification shall not exceed one week from the date on which the person was placed in detention. The Member State carrying out the procedure in accordance with this Regulation shall ask for an urgent reply on a take charge request. Such reply shall be given within one week of receipt of the take charge request. Failure to reply within the one-week period shall be tantamount to accepting the take charge request and shall entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival.</p> | <p><i>deleted</i></p>               | <p>person referred to in Article 26(1), point (b), <del>(c)</del> [...] or (d) is detained pursuant to this Article, the period for submitting a take charge request or a take back notification shall not exceed two weeks from the registration of the application, <b>or two weeks after receiving the Eurodac hit when no new application has been registered in the notifying Member State.</b> Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back notification shall not exceed one week from the date on which the person was placed in detention. The <b>determining</b> Member State <del>carrying out the procedure in accordance with this Regulation</del> [...] shall ask for an urgent reply on a take charge request. Such reply shall be given within one week of receipt of the take charge request. Failure to reply within the one-week period shall be tantamount to accepting the take charge request and shall entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival.</p> | <p>Suggested deletion. Moved to lines 410b, 410c and 410d.</p> |
|   | Article 34(3), third subparagraph                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                |
| y | 405                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Where a person is detained pursuant | Where a person is detained pursuant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | y                                                              |

|                                              | Commission Proposal                                                                                                                                                                                                                                                                                                                                               | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                         |
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|                                              | to this Article, the transfer of that person from the requesting or notifying Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within four weeks of:                                                                                                                                          | <i>deleted</i> | to this Article, the transfer of that person from the <del>requesting or notifying</del> <b>transferring</b> [...] Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within <del>four</del> <b>five</b> [...] weeks of:                                                                                                              | Suggested deletion. Moved to line 410e. |
| Article 34(3), third subparagraph, point (a) |                                                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |
| y                                            | 406<br>(a) the date on which the request was accepted or the take back notification was confirmed, or                                                                                                                                                                                                                                                             | <i>deleted</i> | (a) the date on which the request was accepted or the take back notification was confirmed, or                                                                                                                                                                                                                                                                                                          | Suggested deletion. Moved to line 410f. |
| Article 34(3), third subparagraph, point (b) |                                                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |
| y                                            | 407<br>(b) the date when the appeal or review no longer has suspensive effect in accordance with Article 33(3).                                                                                                                                                                                                                                                   | <i>deleted</i> | (b) the date when the appeal or review no longer has suspensive effect in accordance with Article 33(3).                                                                                                                                                                                                                                                                                                | Suggested deletion. Moved to line 410g. |
| Article 34(3), fourth subparagraph           |                                                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |
| y                                            | 408<br>Where the requesting or notifying Member State fails to comply with the time limits for submitting a take charge request or take back notification or to take a transfer decision within the time limit laid down in Article 32(1) or where the transfer does not take place within the period of four weeks referred to in the third subparagraph of this | <i>deleted</i> | Where the <del>requesting or notifying</del> <b>transferring</b> [...] Member State fails to comply with the time limits for submitting a take charge request or take back notification or to take a transfer decision within the time limit laid down in Article 32(1) or where the transfer does not take place within the period of <del>four</del> <b>five</b> [...] weeks referred to in the third | Suggested deletion. Moved to line 410h. |

|               | Commission Proposal                                                                                                                                                                                                                                                  | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|               | paragraph, the person shall no longer be detained. Articles 29, 31 and 35 shall continue to apply accordingly.                                                                                                                                                       |                | subparagraph of this paragraph, the person shall no longer be detained. Articles 29, 31 and 35 shall continue to apply accordingly.                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Article 34(4) |                                                                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 409           | 4. Where a person is detained pursuant to this Article, the detention shall be ordered in writing by judicial authorities. The detention order shall state the reasons in fact and in law on which it is based.                                                      | <i>deleted</i> | 4. Where a person is detained pursuant to this Article, the detention shall be ordered in writing by <b>administrative or</b> judicial authorities. The detention order shall state the reasons in fact and in law on which it is based. <b>Where detention is ordered by an administrative authority, Member States shall provide for a speedy judicial review of the lawfulness of detention to be conducted ex-officio or at the request of the applicant, or both.</b> | 4. Where a person is detained pursuant to this Article, the detention shall be ordered in writing by <u>administrative or</u> judicial authorities. The detention order shall state the reasons in fact and in law on which it is based. <u>Where detention is ordered by an administrative authority, Member States shall provide for a speedy judicial review of the lawfulness of detention to be conducted ex-officio or at the request of the applicant, or both.</u> |
| Article 34(5) |                                                                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 410           | 5. As regards the detention conditions and the guarantees applicable to applicants detained, in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [Reception Conditions Directive] shall apply. | <i>deleted</i> | 5. As regards the detention conditions and the guarantees applicable to applicants detained, in order to secure the transfer procedures to the Member State responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [ <b>Reception Conditions Directive</b> Reception Conditions Directive] shall apply.                                                                                                                                                                | Suggested deletion. Moved to line 403a                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 34a   |                                                                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|   | Commission Proposal                 | EP Mandate                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| y | 410a                                | <u>Article 34a</u><br><u>Time limits for detained applicants</u>                                                                                                                                                                                                          |                 | <u>Article 34a</u><br><u>Time limits for detained applicants</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | Article 34a(1), first subparagraph  |                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| y | 410b                                | <u>1. By way of derogation from Articles 29 and 31, where a person is detained pursuant to Article 34, the period for submitting a take charge or take back request shall not exceed two weeks from the registration of the application for international protection.</u> |                 | <u>1. By way of derogation from Articles 29 and 31, where a person is detained pursuant to Article 34, the period for submitting a [take charge or take back request/a take charge request or a take back notification] shall not exceed two weeks from the registration of the application for international protection or two weeks after receiving the Eurodac hit when no new application has been registered in the notifying Member State.</u><br><br>Addition from the Council mandate in line 404.<br>Reference to take back request/notification pending |
|   | Article 34a(1), second subparagraph |                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| y | 410c                                | <u>Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back request shall not exceed two weeks from the date on which the person was placed in detention.</u>                 |                 | <u>Where a person is detained at a later stage than the registration of the application, the period for submitting a take charge request or a take back [request/notification] shall not exceed [two weeks/one week] from the date on which the person was placed in detention</u>                                                                                                                                                                                                                                                                                |

|                | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                              | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                |                     |                                                                                                                                                                                                                                                                         |                 | Reference to take back request/notification pending<br>Corresponding Council text in line 404                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Article 34a(2) |                     |                                                                                                                                                                                                                                                                         |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 410d           |                     | <u>2. By way of derogation from Article 30(1), the requested Member State shall reply as soon as possible, and in any event within two weeks of receipt of the request.</u>                                                                                             |                 | <u>2. By way of derogation from Article 30(1), the requested Member State shall reply as soon as possible, and in any event within [two weeks/one week] of receipt of the request. Failure to reply within the [two/one]-week period shall be tantamount to accepting the take charge request and shall entail the obligation to take charge of the person, including the obligation to provide for proper arrangements for arrival.</u><br><br>Corresponding Council text in line 404, including the addition. |
| Article 34a(3) |                     |                                                                                                                                                                                                                                                                         |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 410e           |                     | <u>3. By way of derogation from Article 35, where a person is detained, the transfer of that person from the requesting Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within eight weeks of:</u> |                 | <u>3. By way of derogation from Article 35, where a person is detained, the transfer of that person from the transferring Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within [eight/five] weeks of:</u>                                                                                                                                                                                                                                |

|      | Commission Proposal       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                   |
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|      |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 | Corresponding Council text in line 405. 'Requesting/notifying MS' replaced by 'transferring' MS                                                                                                                                                                                                                                                                                                                   |
|      | Article 34a(3), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 410f |                           | <u>(a) the date on which the request to take charge or take back was accepted, or</u>                                                                                                                                                                                                                                                                                                                                                     |                 | <u>(a) the date on which the request to take charge or [take back was accepted/or the take back notification was confirmed], or</u><br><br>Reference to take back request/notification pending.<br>Corresponding Council text in line 406                                                                                                                                                                         |
|      | Article 34a(3), point (b) |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 410g |                           | <u>(b) the date on which the decision on appeal or review was taken.</u>                                                                                                                                                                                                                                                                                                                                                                  |                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|      | Article 34a(3)            |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 410h |                           | <u>4. Where the requesting Member State, for reasons beyond its control fails to comply with the time limits for submitting a take charge request or take back request or to take a transfer decision within the time limit laid down in Article 32(1) or where the transfer does not take place within the period of eight weeks referred to in paragraph 3 of this Article, the person shall no longer be detained. Articles 29, 31</u> |                 | <u>3. Where the transferring Member State fails to comply with the time limits for submitting a take charge request or take back [request/notification] or to take a transfer decision within the time limit laid down in Article 32(1) or where the transfer does not take place within the period of [eight/five] weeks referred to in paragraph 3 of this Article, the person shall no longer be detained.</u> |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>and 35 shall continue to apply accordingly.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Articles 29, 31 and 35 shall continue to apply accordingly.</u><br><br>Reference to take back request/notification pending.<br>Corresponding Council text in line 408.                                                                                                                                                                                                                                                                                                                                                                                                |
| SECTION VI                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 411                               | SECTION VI Transfers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SECTION VI Transfers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SECTION VI Transfers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | SECTION VI Transfers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 35                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 412                               | Article 35<br>Detailed rules and time limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Article 35<br>Detailed rules and time limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Article 35<br>Detailed rules and time limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Article 35<br>Detailed rules and time limits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Article 35(1), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 413                               | 1. The transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) and (d), from the requesting or notifying Member State to the Member State responsible shall be carried out in accordance with the national law of the requesting or notifying Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of the acceptance of the take charge request or of the confirmation of the take back notification by another Member State or of the final | 1. The transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) and (d), from the requesting <del>or notifying</del> Member State to the Member State responsible shall be carried out in accordance with the national law of the requesting <del>or notifying</del> Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within <del>six</del> <u>three</u> months of the acceptance of the take charge <del>request or of the confirmation of the</del> <u>request</u> <del>the or</del> take back <del>notification</del> <u>request</u> by another Member State or of the | 1. The transfer of an applicant or of another person as referred to in Article 26(1), point (b), <del>(c) and (d)</del> , [...] <del>and (d)</del> from the <del>requesting or notifying</del> <u>transferring</u> [...] Member State to the Member State responsible shall be carried out in accordance with the national law of the <del>requesting or notifying</del> <u>transferring</u> [...] Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within six months of the acceptance of the take charge request or of the confirmation of the | <u>Drafting suggestion:</u><br><br>1. The transfer of an applicant or of another person as referred to in Article 26(1), point (b), [ (c)] <del>and (d)</del> from the <del>transferring</del> Member State to the Member State responsible shall be carried out in accordance with the national law of the <del>transferring</del> Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within [six/ <u>three</u> ] months of the acceptance of the take charge request or [of the confirmation of] |

|                                    | Commission Proposal                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                |
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|                                    | decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3). That time limit may be extended up to a maximum of one year if the transfer cannot be carried out due to imprisonment of the person concerned. | final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3). That time limit may be extended up to a maximum of one year, if the transfer cannot be carried out due to imprisonment of the person concerned. <u>or his or her non-compliance with the transfer decision.</u> | take back notification by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3). <del>That time limit may be extended up to a maximum of one year if the transfer cannot be carried out due to imprisonment of the person concerned. [...]</del> | the take back [notification] by another Member State or of the final decision on an appeal or review of a transfer decision where there is a suspensive effect in accordance with Article 33(3).                                                                                                               |
| Article 35(1), second subparagraph |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                |
| 414                                | Where the transfer is carried out for the purpose of relocation, the transfer shall take place within the time limit set out in Article 57(9).                                                                                                                             | Where the transfer is carried out for the purpose of relocation, the transfer shall take place within the time limit set out in Article <del>57(9)</del> <u>57(8)</u> .                                                                                                                                                                           | Where the transfer is carried out for the purpose of relocation, the transfer shall take place within the time limit set out in Article 57(9).                                                                                                                                                                                                             | <u>Drafting suggestion:</u><br><br>Where the transfer is carried out for the purpose of relocation, the transfer shall take place within the time limit set out in Article 57(9).                                                                                                                              |
| Article 35(1), third subparagraph  |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                |
| 415                                | 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 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 <del>respect for</del> <u>compliance with</u> fundamental rights and human dignity.                                                                   | If transfers to the Member State responsible are carried out by supervised departure or under escort, Member States shall ensure that they are carried out in a humane manner and with full respect for fundamental rights and human dignity.                                                                                                              | <u>Drafting suggestion:</u><br><br>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 in <u>compliance with</u> and with full respect for fundamental rights and human dignity. |
| Article 35(1), fourth subparagraph |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                |
| 416                                | If necessary, the applicant shall be                                                                                                                                                                                                                                       | If necessary, the applicant shall be                                                                                                                                                                                                                                                                                                              | If necessary, the <del>applicant</del> <b>person</b>                                                                                                                                                                                                                                                                                                       | <u>Drafting suggestion:</u>                                                                                                                                                                                                                                                                                    |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                                                                           |
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|                                   | supplied by the requesting or notifying Member State with a laissez passer. The Commission shall, by means of implementing acts, establish the design of the laissez passer. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                           | supplied by the requesting <del>or notifying</del> Member State with a <del>laissez passer</del> <i>laissez passer</i> . The Commission shall, by means of implementing acts, establish the design of the laissez passer. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                               | <b>concerned</b> [...] shall be supplied by the <del>requesting or notifying</del> <b>transferring</b> [...] Member State with a <del>laissez passer</del> <i>laissez passer</i> . The Commission shall, by means of implementing acts, establish the design of the <del>laissez passer</del> <i>laissez passer</i> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | If necessary, the <b>person concerned</b> shall be supplied by the <b>transferring</b> Member State with a <i>laissez passer</i> . The Commission shall, by means of implementing acts, establish the design of the <i>laissez passer</i> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).           |
| Article 35(1), fifth subparagraph |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                           |
| 417                               | The Member State responsible shall inform the requesting or notifying Member State, as appropriate, of the safe arrival of the person concerned or of the fact that he or she did not appear within the set time limit.                                                                                                    | The Member State responsible shall inform the requesting <del>or notifying</del> Member State, as appropriate, of the safe arrival of the person concerned or of the fact that he or she did not appear within the set time limit.                                                                                                                                                          | The Member State responsible shall inform the <del>requesting or notifying</del> <b>transferring</b> [...] Member State, as appropriate, of the safe arrival of the person concerned or of the fact that he or she did not appear within the set time limit.                                                                                                                                                                              | <u>Drafting suggestion:</u><br><br>The Member State responsible shall inform the <b>transferring</b> Member State, as appropriate, of the safe arrival of the person concerned or of the fact that he or she did not appear within the set time limit.                                                                                                                    |
| Article 35(2), first subparagraph |                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                           |
| 418                               | 2. Where the transfer does not take place within the time limits set out in paragraph 1, first subparagraph, the Member State responsible shall be relieved of its obligations to take charge of or to take back the person concerned and responsibility shall be transferred to the requesting or notifying Member State. | 2. Where the transfer does not take place within the time limits set out in paragraph 1, first subparagraph, the Member State responsible shall be relieved of its obligations to take charge of or to take back the person concerned and responsibility shall be transferred to the requesting <del>or notifying</del> <i>Member State, unless the</i> Member State. <i>responsible is</i> | 2. Where the transfer does not take place within the time limits set out in paragraph 1, first subparagraph, the Member State responsible shall be relieved of its obligations to take charge of or to take back the person concerned and responsibility shall be transferred to the <del>requesting or notifying</del> <b>transferring</b> [...] Member State. <b>This time limit may be</b>                                             | <u>Drafting suggestion:</u><br><br>2. Where the transfer does not take place within the time limits set out in paragraph 1, first subparagraph, the Member State responsible shall be relieved of its obligations to take charge of or to take back the person concerned and responsibility shall be transferred to the <b>transferring Member State. This time limit</b> |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                         | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                    |                                                                                                                                                                                                                                                                                                                                                                                                     | <u>accountable for the failure of the transfer.</u>                                                                                                                                                                                                                                                                                                                                                                | extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the person concerned or up to a maximum of three years if the person concerned, or a family member State that were to be transferred together with the person concerned, absconds, is physically resisting the transfer, is intentionally making himself or herself unfit for the transfer, or is not complying with medical requirements for the transfer. | may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the person concerned or up to a maximum of [three years/ <u>one year</u> ] <u>from when the requesting Member State informed the Member State responsible</u> if the person concerned, or a family member that were to be transferred together with the person concerned, absconds, is physically resisting the transfer, is intentionally making himself or herself unfit for the transfer, or is not complying with medical requirements for the transfer, or if the <u>Member State responsible is accountable for the failure of the transfer.</u> |
| Article 35(2), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 419                                | Notwithstanding the first subparagraph, where the person concerned absconds and the requesting or notifying Member State informs the Member State responsible before the expiry of the time limits set out in paragraph 1, first subparagraph, that the person concerned has absconded, the transferring Member State shall retain the right to carry out the transfer within the remaining time at | Notwithstanding the first subparagraph, where the person concerned absconds and the requesting <del>or notifying</del> Member State informs the Member State responsible before the expiry of the time limits set out in paragraph 1, first subparagraph, that the person concerned has absconded, the transferring Member State shall retain the right to carry out the transfer within <u>one year from when</u> | <del>Notwithstanding the first subparagraph, where the person concerned absconds and the requesting or notifying Member State informs the Member State responsible before the expiry of the time limits set out</del> <b>becomes available to the authorities again and the time remaining from the period referred to in paragraph 1, first subparagraph, that the person concerned has absconded is less</b>                                                   | <u>Drafting suggestion:</u><br><br><b>If the person concerned becomes available to the authorities again and the time remaining from the period referred to in paragraph 1 is less than three months, the transferring Member State shall have a period of three months in order to carry out the transfer.</b>                                                                                                                                                                                                                                                                                                                                                    |

|               | Commission Proposal                                                                                                                                                                                                                                              | EP Mandate                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                               |
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|               | a later stage, should the person become available to the authorities again, unless another Member State has carried out the procedures in accordance with this Regulation and transferred the person to the responsible Member State after the person absconded. | <u>the requesting Member State informed the Member State responsible</u> <del>the remaining time at a later stage</del> , should the person become available to the authorities again, unless another Member State has carried out the procedures in accordance with this Regulation and transferred the person to the responsible Member State after the person absconded. | <b>than three months</b> , the transferring Member State shall <del>retain the right to carry out the transfer within the remaining time at a later stage,</del> should the person become available to the authorities again, unless another Member State has <del>carried</del> <b>have a period of three months in order to carry out the procedures in accordance with this Regulation and transferred the person to the responsible Member State after the person absconded.</b> [...] |                                                                                                                                                                                                                                                               |
| Article 35(3) |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                               |
| 420           | 3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal or review after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.                     | 3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal or review after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.                                                                                                                                | 3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal or review after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.                                                                                                                                                                                                                                               | 3. If a person has been transferred erroneously or a decision to transfer is overturned on appeal or review after the transfer has been carried out, the Member State which carried out the transfer shall promptly accept that person back.                  |
| Article 35(4) |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                               |
| 421           | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States, in particular in the event of postponed or delayed transfers, transfers following acceptance by     | 4. The Commission shall, by means of implementing acts, establish uniform <del>conditions</del> <u>methods</u> for the consultation and exchange of information between Member States, in particular in the event of postponed or delayed transfers, transfers following acceptance by                                                                                      | 4. The Commission shall, by means of implementing acts, establish uniform conditions for the consultation and exchange of information between Member States, in particular in the event of postponed or delayed transfers, transfers following acceptance by                                                                                                                                                                                                                               | <u>Drafting suggestion:</u><br>4. The Commission shall, by means of implementing acts, establish uniform <u>methods</u> for the consultation and exchange of information between Member States, in particular in the event of postponed or delayed transfers, |

|               | Commission Proposal                                                                                                                                                                                                                                                                                    | EP Mandate                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                              |
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|               | default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                                                                                       | default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                                                                                                                                                            | default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                                                                                                                                                                                          | transfers following acceptance by default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).                                                                                           |
| Article 36    |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                              |
| 422           | Article 36<br>Costs of transfer                                                                                                                                                                                                                                                                        | Article 36<br>Costs of transfer                                                                                                                                                                                                                                                                                                                                             | Article 36<br>Costs of transfer                                                                                                                                                                                                                                                                                                                                                                           | Article 36<br>Costs of transfer                                                                                                                                                                                                                                                                                              |
| Article 36(1) |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                              |
| 423           | 1. In accordance with Article 17 of Regulation (EU) XXX/XXX [Asylum and Migration Fund], a contribution shall be paid to the Member State carrying out the transfer for the transfer of an applicant or another person as referred to in Article 26(1), point (b), (c) or (d), pursuant to Article 35. | 1. In accordance with Article <del>17</del> <sup>20</sup> of Regulation (EU) <del>XXX/XXX</del> <del>[Asylum and Migration Fund]</del> <sup>2021/1147</sup> , a contribution shall be paid to the Member State carrying out the transfer for the transfer of an applicant or another person as referred to in Article 26(1), point (b), (c) or (d), pursuant to Article 35. | 1. In accordance with Article <del>17</del> <sup>20</sup> of Regulation (EU) <del>XXX/XXX</del> <del>[Asylum and Migration Fund]</del> <sup>2021/1147</sup> [...], a contribution shall be paid to the Member State carrying out the transfer for the transfer of an applicant or another person as referred to in Article 26(1), point (b), <del>(c) or (d)</del> , [...] or (d) pursuant to Article 35. | <u>Drafting suggestion:</u><br>1. In accordance with Article <b>20</b> of Regulation (EU) <b>2021/1147</b> , a contribution shall be paid to the Member State carrying out the transfer for the transfer of an applicant or another person as referred to in Article 26(1), point (b), [(c)] or (d), pursuant to Article 35. |
| Article 36(2) |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                              |
| 424           | 2. Where the person concerned has to be transferred back to a Member State as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal or review after the transfer has been                                                                                     | 2. Where the person concerned has to be transferred back to a Member State as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal or review after the transfer has been                                                                                                                                                          | 2. Where the person concerned has to be transferred back to a Member State as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal or review after the transfer has been                                                                                                                                                                                        | 2. Where the person concerned has to be transferred back to a Member State as a result of an erroneous transfer or of a transfer decision that has been overturned on appeal or review after the transfer has been                                                                                                           |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                         | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|               | 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.                                                                                                                                                                                                                                                                                                     | 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.                                                                                                                                                                                                                                                                                                     | 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.                                                                                                                                                                                                                                                                   | 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.                                                                                                                                                                                                                                                                                            |
| Article 36(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 425           | 3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.                                                                                                                                                                                                                                                                                                                                                       | 3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.                                                                                                                                                                                                                                                                                                                                                       | 3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.                                                                                                                                                                                                                                                                                                                     | 3. Persons to be transferred pursuant to this Regulation shall not be required to meet the costs of such transfers.                                                                                                                                                                                                                                                                                                                                              |
| Article 37    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 426           | Article 37<br>Exchange of relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                                           | Article 37<br>Exchange of relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                                           | Article 37<br>Exchange of relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                         | Article 37<br>Exchange of relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                                  |
| Article 37(1) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 427           | 1. The Member State carrying out the transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) or (d), shall communicate to the Member State responsible such personal data concerning the person to be transferred as is adequate, relevant and limited to what is necessary for the sole purposes of ensuring that the competent authorities, in accordance with national law in the Member State responsible, are in a position to | 1. The Member State carrying out the transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) or (d), shall communicate to the Member State responsible such personal data concerning the person to be transferred as is adequate, relevant and limited to what is necessary for the sole purposes of ensuring that the competent authorities, in accordance with national law in the Member State responsible, are in a position to | 1. The Member State carrying out the transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) or (d), shall communicate to the Member State responsible such personal data concerning the person to be transferred as is adequate, relevant and limited to what is necessary for the sole purposes of ensuring that the competent authorities, in accordance with national law in the Member State | <u>Drafting suggestion:</u><br>1. The Member State carrying out the transfer of an applicant or of another person as referred to in Article 26(1), point (b), (c) or (d), shall communicate to the Member State responsible such personal data concerning the person to be transferred as is adequate, relevant and limited to what is necessary for the sole purposes of ensuring that the competent authorities, in accordance with national law in the Member |

|                          | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                          | provide that person with adequate assistance, including the provision of immediate health care required in order to protect his or her vital interests, to ensure continuity in the protection and rights afforded by this Regulation and by other applicable asylum legal instruments. Those data shall be communicated to the Member State responsible within a reasonable period of time before a transfer is carried out, in order to ensure that its competent authorities in under national law have sufficient time to take the necessary measures. | provide that person with adequate assistance, including the provision of immediate health care required in order to protect his or her vital interests, to ensure continuity in the protection and rights afforded by this Regulation and by other applicable asylum legal instruments. Those data shall be communicated to the Member State responsible within a reasonable period of time before a transfer is carried out, in order to ensure that its competent authorities in under national law have sufficient time to take the necessary measures. | responsible, are in a position to provide that person with adequate assistance, including the provision of immediate health care required in order to protect his or her vital interests, to ensure continuity in the protection and rights afforded by this Regulation and by other applicable asylum legal instruments. Those data shall be communicated to the Member State responsible within a reasonable period of time before a transfer is carried out, in order to ensure that its competent authorities in under national law have sufficient time to take the necessary measures. | State responsible, are in a position to provide that person with adequate assistance, including the provision of immediate health care required in order to protect his or her vital interests, to ensure continuity in the protection and rights afforded by this Regulation and by other applicable asylum legal instruments. Those data shall be communicated to the Member State responsible within a reasonable period of time before a transfer is carried out, in order to ensure that its competent authorities in under national law have sufficient time to take the necessary measures. |
| Article 37(2)            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 428                      | 2. The transferring Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate special needs of the person to be transferred, and in particular:                                                                                                                                                                                                                                                                                                                         | 2. The transferring Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate <del>special</del> specific needs of the person to be transferred, and in particular:                                                                                                                                                                                                                                                                                                     | 2. The transferring Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate special needs of the person to be transferred, and in particular:                                                                                                                                                                                                                                                                                                                                                           | <u>Drafting suggestion:</u><br>2. The transferring Member State shall transmit to the Member State responsible any information that is essential in order to safeguard the rights and immediate [special/specific] needs of the person to be transferred, and in particular:                                                                                                                                                                                                                                                                                                                       |
| Article 37(2), point (a) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 429                      | (a) any immediate measures which the Member State responsible is required to take in order to ensure that the special needs of the person to be transferred are adequately                                                                                                                                                                                                                                                                                                                                                                                 | (a) any immediate measures which the Member State responsible is required to take in order to ensure that the <del>special</del> specific needs of the person to be transferred are                                                                                                                                                                                                                                                                                                                                                                        | (a) any immediate measures which the Member State responsible is required to take in order to ensure that the special needs of the person to be transferred are adequately                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Drafting suggestion:</u><br>(a) any immediate measures which the Member State responsible is required to take in order to ensure that the [special/specific] needs of                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                          | Commission Proposal                                                                                                             | EP Mandate                                                                                                                                                                    | Council Mandate                                                                                                                 | Draft Agreement                                                                                                                                                                                                |
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|                          | addressed, including any immediate health care that may be required;                                                            | adequately addressed, including any immediate health care that may be required <u>and, where necessary, any arrangements needed to uphold the best interest of the child;</u> | addressed, including any immediate health care that may be required;                                                            | the person to be transferred are adequately addressed, including any immediate health care that may be required <u>and, where necessary, any arrangements needed to uphold the best interest of the child;</u> |
| Article 37(2), point (b) |                                                                                                                                 |                                                                                                                                                                               |                                                                                                                                 |                                                                                                                                                                                                                |
| 430                      | (b) contact details of family members, relatives or any other family relations in the receiving Member State, where applicable; | (b) contact details of family members, relatives or any other family relations in the receiving Member State, where applicable;                                               | (b) contact details of family members, relatives or any other family relations in the receiving Member State, where applicable; | (b) contact details of family members, relatives or any other family relations in the receiving Member State, where applicable;                                                                                |
| Article 37(2), point (c) |                                                                                                                                 |                                                                                                                                                                               |                                                                                                                                 |                                                                                                                                                                                                                |
| 431                      | (c) in the case of minors, information on their education;                                                                      | (c) in the case of minors, <u>the best interest of the child assessment and information, as set out in Article 13, including</u> on their education;                          | (c) in the case of minors, information on their education;                                                                      | <u>Drafting suggestion:</u><br>(c) in the case of minors, <b>information on <u>the best interest of the child assessment and</u></b> on their education;                                                       |
| Article 37(2), point (d) |                                                                                                                                 |                                                                                                                                                                               |                                                                                                                                 |                                                                                                                                                                                                                |
| 432                      | (d) an assessment of the age of an applicant;                                                                                   | (d) an assessment of the age of an applicant, <u>where relevant;</u>                                                                                                          | (d) <b>where applicable</b> , an assessment of the age of an applicant;                                                         | <u>Drafting suggestion:</u><br>(d) <b>where applicable</b> , an assessment of the age of an applicant;                                                                                                         |
| Article 37(2), point (e) |                                                                                                                                 |                                                                                                                                                                               |                                                                                                                                 |                                                                                                                                                                                                                |
| 433                      | (e) information collected during the screening in accordance with Article 13 of Regulation (EU) XXX/XXX                         | (e) information collected during the screening in accordance with Article 13 of Regulation (EU) XXX/XXX                                                                       | (e) <del>information collected during</del> <b>where applicable</b> , the screening <del>in accordance with</del> <b>form</b>   | <u>Drafting suggestion:</u><br>(e) <b>where applicable</b> , the screening <b>form pursuant to</b> Article 13 of                                                                                               |

|                           | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                           | [Screening Regulation].                                                                                                                                                                                                                                                                                                                                                                                                  | [Screening Regulation].                                                                                                                                                                                                                                                                                                                                                                                                  | pursuant to [...] Article 13 of Regulation (EU) XXX/XXX [Screening Regulation], including any evidence referred to on the form.                                                                                                                                                                                                                                                                                          | Regulation (EU) XXX/XXX [Screening Regulation, including any evidence referred to on the form.                                                                                                                                                                                                                                                                                                                           |
| Article 37(2), point (ea) |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 433a                      |                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>(ea) any other relevant information.</u>                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>Drafting suggestion:</u><br><br>Deletion.                                                                                                                                                                                                                                                                                                                                                                             |
| Article 37(3)             |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 434                       | 3. The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 41 of this Regulation using the 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. | 3. The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 41 of this Regulation using the 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. | 3. The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 41 of this Regulation using the 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. | 3. The exchange of information under this Article shall only take place between the authorities notified to the Commission in accordance with Article 41 of this Regulation using the 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. |
| Article 37(4)             |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 435                       | 4. With a view to facilitating the exchange of information between Member States, the Commission shall, by means of implementing acts, draw up a standard form for the                                                                                                                                                                                                                                                   | 4. With a view to facilitating the exchange of information between Member States, the Commission shall, by means of <del>implementing</del> <u>delegated</u> acts, draw up                                                                                                                                                                                                                                               | 4. With a view to facilitating the exchange of information between Member States, the Commission shall, by means of implementing acts, draw up a standard form for the                                                                                                                                                                                                                                                   | <u>Drafting suggestion:</u><br><br>4. With a view to facilitating the exchange of information between Member States, the Commission shall, by means of implementing                                                                                                                                                                                                                                                      |

|                             | Commission Proposal                                                                                                                                                                                                                                                                                                                                               | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                      |
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|                             | transfer of the data required pursuant to this Article. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                         | a standard form for the transfer of the data required pursuant to this Article. Those <del>implementing</del> <sup>delegated</sup> acts shall be adopted in accordance with the examination procedure laid down in Article <del>67(2)</del> <sup>68</sup> .                                                                                                                                            | transfer of the data required pursuant to this Article. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                                  | acts, draw up a standard form for the transfer of the data required pursuant to this Article. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                      |
| Article 37(5)               |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                      |
| 436                         | 5. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                                                                                              | 5. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                                                                                                                                   | 5. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                                                                                                       | 5. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                                                                                                 |
| Article 38                  |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                      |
| 437                         | Article 38<br>Exchange of security-relevant information before a transfer is carried out                                                                                                                                                                                                                                                                          | Article 38<br>Exchange of security-relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                                               | Article 38<br>Exchange of security-relevant information before a transfer is carried out                                                                                                                                                                                                                                                                                   | Article 38<br>Exchange of security-relevant information before a transfer is carried out                                                                                                                                                                                                                                                                             |
| Article 38, first paragraph |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                      |
| 438                         | Where the Member State carrying out a transfer is in possession of information that indicates that there are reasonable grounds to consider the applicant or another person as referred to in Article 26(1), point (b), (c) or (d), a danger to national security or public order in a Member State, that Member State shall also communicate such information to | Where the Member State carrying out a transfer is in possession of information that indicates that there are reasonable grounds to consider the applicant or another person as referred to in Article 26(1), point (b), (c) or (d), a <del>danger to national</del> <sup>threat to internal</sup> security <del>or public order</del> in a Member State, that Member State shall also communicate such | <b>For the purpose of application of Article 31</b> , where the Member State carrying out a transfer is in possession of information that indicates that there are reasonable grounds to consider <b>that</b> the applicant or another person as referred to in Article 26(1), point (b); <del>(c) or (d), a danger to national security or public order in a Member</del> | <u>Drafting suggestion:</u><br><b>For the purpose of application of Article 31</b> , where the Member State carrying out a transfer is in possession of information that indicates that there are reasonable grounds to consider <b>that</b> the applicant or another person as referred to in Article 26(1), point (b), [(c) ]or (d), <b>poses a [security risk</b> |

|                                   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                            | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                               | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                   | the Member State responsible.                                                                                                                                                                                                                                                                                                                                                                                                                 | information to the Member State responsible.                                                                                                                                                                                                                                                                                                                                                                                                          | State, [...] or (d), poses a security risk to the Member States, the competent authorities of that Member State shall also communicate the existence of [...] such information to the Member State responsible. The information shall be shared between the law enforcement authorities or other competent authorities of the Member States through the appropriate channels for such information exchange.                                   | to the Member States/ <u>threat to internal</u> security] the competent authorities of that Member State shall indicate the existence of such information to the Member State responsible. The information shall be shared between the law enforcement authorities or other competent authorities of the Member States through the appropriate channels for such information exchange.                                                                  |
| Article 39                        |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 439                               | Article 39<br>Exchange of health data before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                        | Article 39<br>Exchange of health data before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                                | Article 39<br>Exchange of health data before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                        | Article 39<br>Exchange of health data before a transfer is carried out                                                                                                                                                                                                                                                                                                                                                                                  |
| Article 39(1), first subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 440                               | 1. For the sole purpose of the provision of medical care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons who have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall, in so far as it is available to the competent authority in accordance with national law, transmit to the Member State | 1. For the sole purpose of the provision of medical care or treatment, in particular concerning <u>vulnerable persons, including</u> disabled persons, elderly people, pregnant women, minors and persons who have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall, in so far as it is available to the competent authority in accordance with national law, | 1. For the sole purpose of the provision of medical care or treatment, in particular concerning disabled persons, elderly people, pregnant women, minors and persons who have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall, in so far as it is available to the competent authority in accordance with national law, transmit to the Member State | <u>Drafting suggestion:</u><br><br>1. For the sole purpose of the provision of medical care or treatment, in particular concerning <u>vulnerable persons, including</u> disabled persons, elderly people, pregnant women, minors and persons who have been subject to torture, rape or other serious forms of psychological, physical and sexual violence, the transferring Member State shall, in so far as it is available to the competent authority |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                    | responsible information on any special needs of the person to be transferred, which in specific cases may include information on that person's physical or mental health. That information shall be transferred in a common health certificate with the necessary documents attached. The Member State responsible shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required. | transmit to the Member State responsible information on any <del>special</del> <u>specific</u> needs of the person to be transferred, which in specific cases may include information on that person's physical or mental health. That information shall be transferred in a common health certificate with the necessary documents attached. The Member State responsible shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required. | responsible information on any special needs of the person to be transferred, which in specific cases may include information on that person's physical or mental health. That information shall be transferred in a common health certificate with the necessary documents attached. The Member State responsible shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required. | in accordance with national law, transmit to the Member State responsible information on any [special/ <u>specific</u> ] needs of the person to be transferred, which in specific cases may include information on that person's physical or mental health. That information shall be transferred in a common health certificate with the necessary documents attached. The Member State responsible shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required. |
| Article 39(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 441                                | The Commission shall, by means of implementing acts, draw up the common health certificate. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                                                                               | The Commission shall, by means of implementing acts, draw up the common health <u>and vulnerabilities</u> certificate. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                                                                                                            | The Commission shall, by means of implementing acts, draw up the common health certificate. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                                                                               | <u>Drafting suggestion:</u><br><br>The Commission shall, by means of implementing acts, draw up the common health certificate. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).                                                                                                                                                                                                                                                                                              |
| Article 39(2)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 442                                | 2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the Member State responsible after                                                                                                                                                                                                                                                                                                                       | 2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the Member State responsible after                                                                                                                                                                                                                                                                                                                                                                               | 2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the Member State responsible after                                                                                                                                                                                                                                                                                                                       | <u>Drafting suggestion:</u><br><br>2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the                                                                                                                                                                                                                                                                                                                                                                                                     |

|  | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|  | having obtained the explicit consent of the applicant and/or of his or her representative or when such transmission is necessary to protect public health and public security, or, where the person concerned is physically or legally incapable of giving his or her consent, to protect the vital interests of the person concerned or of another person. The lack of consent, including a refusal to consent, shall not constitute an obstacle to the transfer. | having obtained the explicit consent of the applicant and/or of his or her <del>representative</del> <u>guardian</u> or when such transmission is necessary to protect public health and public security, or, where the person concerned is physically or legally incapable of giving his or her consent, to protect the vital interests of the person concerned or of another person. The lack of consent, including a refusal to consent, shall not constitute an obstacle to the transfer. | having obtained the explicit consent of the applicant and/or of his or her representative or when such transmission is necessary to protect public health and public security, or, where the person concerned is physically or legally incapable of giving his or her consent, to protect the vital interests of the person concerned or of another person. The lack of consent, including a refusal to consent, shall not constitute an obstacle to the transfer. | Member State responsible after having obtained the explicit consent of the applicant and/or of his or her <u>representative/ guardian</u> or when such transmission is necessary to protect public health and public security, or, where the person concerned is physically or legally incapable of giving his or her consent, to protect the vital interests of the person concerned or of another person. The lack of consent, including a refusal to consent, shall not constitute an obstacle to the transfer. |

#### Article 39(3)

|     |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                           |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 443 | 3. The processing of personal health data referred to in paragraph 1 shall only be carried out by a health professional who is 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 professional secrecy. | 3. The processing of personal health data referred to in paragraph 1 shall only be carried out by a health professional who is 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 professional secrecy. | 3. The processing of personal health data referred to in paragraph 1 shall only be carried out by a health professional who is 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 professional secrecy. | 3. The processing of personal health data referred to in paragraph 1 shall only be carried out by a health professional who is 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 professional secrecy. |
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#### Article 39(4)

|     |                                                                                                                           |                                                                                                                           |                                                                                                                           |                                                                                                                           |
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| 444 | 4. The exchange of information under this Article shall only take place between the health professionals or other persons | 4. The exchange of information under this Article shall only take place between the health professionals or other persons | 4. The exchange of information under this Article shall only take place between the health professionals or other persons | 4. The exchange of information under this Article shall only take place between the health professionals or other persons |
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|               | Commission Proposal                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                                          |
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|               | referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.                                                                                                                                     | referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.                                                                                                                                     | referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.                                                                                                                                     | referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.                                                                                                                                     |
| Article 39(5) |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 445           | 5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2). | 5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2). | 5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2). | 5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2). |
| Article 39(6) |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 446           | 6. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                     | 6. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                     | 6. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                     | 6. The rules laid down in Article 40(8) and (9) shall apply to the exchange of information pursuant to this Article.                                                                                                                                                                     |
| CHAPTER VI    |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 447           | CHAPTER VI<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                                                                                              | CHAPTER VI<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                                                                                              | CHAPTER VI<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                                                                                              | CHAPTER VI<br>ADMINISTRATIVE<br>COOPERATION                                                                                                                                                                                                                                              |
| Article 40    |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 448           |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |

|      | Commission Proposal                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                             |
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|      | Article 40<br>Information sharing                                                                                                                                                                                           | Article 40<br>Information sharing                                                                                                                                                                                           | Article 40<br>Information sharing                                                                                                                                                                                           | Article 40<br>Information sharing                                                                                                                                                                                           |
|      | Article 40(1)                                                                                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |
| 449  | 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the person covered by the scope of this Regulation as is adequate, relevant and limited to what is necessary for: | 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the person covered by the scope of this Regulation as is adequate, relevant and limited to what is necessary for: | 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the person covered by the scope of this Regulation as is adequate, relevant and limited to what is necessary for: | 1. Each Member State shall communicate to any Member State that so requests such personal data concerning the person covered by the scope of this Regulation as is adequate, relevant and limited to what is necessary for: |
|      | Article 40(1), point (a)                                                                                                                                                                                                    |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |
| 450  | (a) determining the Member State responsible;                                                                                                                                                                               | (a) determining the Member State responsible;                                                                                                                                                                               | (a) determining the Member State responsible;                                                                                                                                                                               | (a) determining the Member State responsible;                                                                                                                                                                               |
|      | Article 40(1), point (b)                                                                                                                                                                                                    |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |
| 451  | (b) examining the application for international protection;                                                                                                                                                                 | (b) examining the application for international protection;                                                                                                                                                                 | (b) examining the application for international protection;                                                                                                                                                                 | (b) examining the application for international protection;                                                                                                                                                                 |
|      | Article 40(1), point (c)                                                                                                                                                                                                    |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |
| 452  | (c) implementing any obligation arising under this Regulation.                                                                                                                                                              | (c) implementing any obligation arising under this Regulation.                                                                                                                                                              | (c) implementing any obligation arising under this Regulation.                                                                                                                                                              | (c) implementing any obligation arising under this Regulation.                                                                                                                                                              |
|      | Article 40(1), point (ca)                                                                                                                                                                                                   |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |                                                                                                                                                                                                                             |
| 452a |                                                                                                                                                                                                                             | <u>(ca) implementing a return decision.</u>                                                                                                                                                                                 |                                                                                                                                                                                                                             | <u>(ca) implementing a return decision.</u>                                                                                                                                                                                 |

|                          | Commission Proposal                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                             |
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|                          |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             | COM is still considering this addition internally, if agreed, it will be better placed as ba)                                                                                                                                                                               |
| Article 40(2)            |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |
| 453                      | 2. The information referred to in paragraph 1 shall only cover:                                                                                                                                                                                                             | 2. The information referred to in paragraph 1 shall only cover:                                                                                                                                                                                                             | 2. The information referred to in paragraph 1 shall only cover:                                                                                                                                                                                                             | 2. The information referred to in paragraph 1 shall only cover:                                                                                                                                                                                                             |
| Article 40(2), point (a) |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |
| 454                      | (a) personal details of the person concerned, and, where appropriate, his or her family members, relatives or any other family relations (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth); | (a) personal details of the person concerned, and, where appropriate, his or her family members, relatives or any other family relations (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth); | (a) personal details of the person concerned, and, where appropriate, his or her family members, relatives or any other family relations (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth); | (a) personal details of the person concerned, and, where appropriate, his or her family members, relatives or any other family relations (full name and where appropriate, former name; nicknames or pseudonyms; nationality, present and former; date and place of birth); |
| Article 40(2), point (b) |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |
| 455                      | (b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);                                                                                                                                                              | (b) identity and travel papers (references, validity, date of issue, issuing authority, place of issue, etc.);                                                                                                                                                              | (b) identity and travel <del>papers</del> documents [...] (references, validity, date of issue, issuing authority, place of issue, etc.);                                                                                                                                   | (b) identity and travel <del>papers</del> documents (references, validity, date of issue, issuing authority, place of issue, etc.);                                                                                                                                         |
| Article 40(2), point (c) |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                             |
| 456                      | (c) other information necessary for establishing the identity of the person concerned, including                                                                                                                                                                            | (c) other information necessary for establishing the identity of the person concerned, including                                                                                                                                                                            | (c) other information necessary for establishing the identity of the person concerned, including                                                                                                                                                                            | (c) other information necessary for establishing the identity of the person concerned, including                                                                                                                                                                            |

|   | Commission Proposal                                                                                                                                                                             | EP Mandate                                                                                                                                                                                      | Council Mandate                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                 |
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|   | biometric data taken of the applicant by the Member State, in particular for the purposes of Article 57(6) of this Regulation, in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation]; | biometric data taken of the applicant by the Member State, in particular for the purposes of Article 57(6) of this Regulation, in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation]; | biometric data taken of the applicant by the Member State, in particular for the purposes of Article 57(6) of this Regulation, in accordance with Regulation (EU) XXX/XXX [ <del>Eurodac Regulation</del> Eurodac Regulation]; | biometric data taken of the applicant by the Member State, in particular for the purposes of Article 57(6) of this Regulation, in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation]; |
|   | Article 40(2), point (d)                                                                                                                                                                        |                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                                                                 |
| G | 457                                                                                                                                                                                             | (d) places of residence and routes travelled;                                                                                                                                                   | (d) places of residence and routes travelled;                                                                                                                                                                                  | (d) places of residence and routes travelled;                                                                                                                                                   |
|   | Article 40(2), point (e)                                                                                                                                                                        |                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                                                                 |
| G | 458                                                                                                                                                                                             | (e) residence documents or visas issued by a Member State;                                                                                                                                      | (e) residence documents or visas issued by a Member State;                                                                                                                                                                     | (e) residence documents or visas issued by a Member State;                                                                                                                                      |
|   | Article 40(2), point (f)                                                                                                                                                                        |                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                                                                 |
| Y | 459                                                                                                                                                                                             | (f) the place where the application was lodged;                                                                                                                                                 | (f) the place where the application was <del>lodged</del> made;                                                                                                                                                                | (f) the place where the application was <del>lodged</del> registered;<br><br>COM proposal based on the fact that RAMM/AMMR starts with registering.                                             |
|   | Article 40(2), point (g)                                                                                                                                                                        |                                                                                                                                                                                                 |                                                                                                                                                                                                                                |                                                                                                                                                                                                 |
| Y | 460                                                                                                                                                                                             | (g) the date on which any previous application for international protection was lodged, the date on which the current application was registered, the stage reached in the                      | (g) the date on which any previous application for international protection was <del>lodged</del> made, the date on which the current application was registered, the stage reached in the                                     | (g) the date on which any previous application for international protection was <del>lodged</del> registered, the date on which the current application was registered, the stage reached in    |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|               | proceedings and the decision taken, if any.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | proceedings and the decision taken, if any.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | proceedings and the decision taken, if any.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | the proceedings and the decision taken, if any.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Article 40(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 461           | <p>3. Provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the applicant bases his or her application and, where applicable, the grounds for any decisions taken concerning the applicant. The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for international protection, obtained by the requesting Member State. In that case, the applicant must know for what specific information he or she is giving his or her approval.</p> | <p>3. Provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the applicant bases his or her application and, where applicable, the grounds for any decisions taken concerning the applicant. The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm <del>its essential interests</del> or the protection of the liberties and fundamental rights of the person concerned or of others. <del>In any event, communication of the information requested</del> <u>The applicant</u> shall be <del>subject to the written approval of the applicant for international protection, obtained</del> <u>informed about the specific information requested</u> by the requesting Member State. <del>In that case, the applicant must know for what specific information he or she is giving his or her approval</del> <u>and the reason for the request in advance.</u></p> | <p>3. Provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the applicant bases his or her application and, where applicable, the grounds for any decisions taken concerning the applicant. <del>The other</del> <u>Where the</u> Member State may refuse to respond to the request submitted to it, if the communication of such <del>responsible</del> <u>applies Article 42 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]</u>, that Member State may also request information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. In any event, communication of the information requested shall be subject to the written approval of the applicant for international protection, obtained by the requesting Member State. In that case, the applicant must know for what specific information he or she is giving his or her approval <u>enabling the competent</u></p> | <p>3. Provided it is necessary for the examination of the application for international protection, the Member State responsible may request another Member State to let it know on what grounds the applicant bases his or her application and, where applicable, the grounds for any decisions taken concerning the applicant. <u>Where the Member State responsible applies Article 42 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], that Member State may also request information enabling the competent authorities to establish whether new elements have arisen or have been presented by the applicant.</u> The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. <del>In any event, communication of the information requested</del> <u>The applicant</u> shall be <del>subject to the written approval of the applicant for international protection,</del></p> |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>authorities to establish whether new elements have arisen or have been presented by the applicant. The other Member State may refuse to respond to the request submitted to it, if the communication of such information is likely to harm its essential interests or the protection of the liberties and fundamental rights of the person concerned or of others. [...]</p>                                                                                                                                                                                                                                                                                                                                                                           | <p><del>obtained</del><u>informed about the specific information requested</u> by the requesting Member State. <del>In that case, the applicant must know for what specific information he or she is giving his or her approval and the</del><u>reason for the request in advance.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Article 40(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 462           | <p>4. Any request for information shall only be sent in the context of an individual application for international protection or transfer for the purpose of relocation. It shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means by which applicants enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. Such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the</p> | <p>4. Any request for information shall only be sent in the context of an individual application for international protection or transfer for the purpose of relocation. It shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means by which applicants enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. Such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the</p> | <p>4. Any request for information shall only be sent in the context of an individual application for international protection or transfer for the purpose of relocation. It shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means by which applicants enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. Such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the</p> | <p>4. Any request for information shall only be sent in the context of an individual application for international protection or transfer for the purpose of relocation. It shall set out the grounds on which it is based and, where its purpose is to check whether there is a criterion that is likely to entail the responsibility of the requested Member State, shall state on what evidence, including relevant information from reliable sources on the ways and means by which applicants enter the territories of the Member States, or on what specific and verifiable part of the applicant's statements it is based. Such relevant information from reliable sources is not in itself sufficient to determine the responsibility and the</p> |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|               | competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Article 40(5) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 463           | 5. The requested Member State shall be obliged to reply within three weeks. Any delays in the reply shall be duly justified. Non-compliance with the three week time limit shall not relieve the requested Member State of the obligation to reply. If the research carried out by the requested Member State which did not respect the maximum time limit withholds information which shows that it is responsible, that Member State may not invoke the expiry of the time limits provided for in Article 29 as a reason for refusing to comply with a request to take charge. In that case, the time limits provided for in Article 29 for submitting a request to take charge shall be extended by a period of time equivalent to the delay in the reply by the requested Member State. | 5. The requested Member State shall be obliged to reply within three weeks. Any delays in the reply shall be duly justified. Non-compliance with the three week time limit shall not relieve the requested Member State of the obligation to reply. If the research carried out by the requested Member State which did not respect the maximum time limit withholds information which shows that it is responsible, that Member State may not invoke the expiry of the time limits provided for in Article 29 as a reason for refusing to comply with a request to take charge. In that case, the time limits provided for in Article 29 for submitting a request to take charge shall be extended by a period of time equivalent to the delay in the reply by the requested Member State. | 5. The requested Member State shall be obliged to reply within three weeks. Any delays in the reply shall be duly justified. Non-compliance with the three week time limit shall not relieve the requested Member State of the obligation to reply. If the research carried out by the requested Member State which did not respect the maximum time limit withholds information which shows that it is responsible, that Member State may not invoke the expiry of the time limits provided for in Article 29 as a reason for refusing to comply with a request to take charge. In that case, the time limits provided for in Article 29 for submitting a request to take charge shall be extended by a period of time equivalent to the delay in the reply by the requested Member State. | 5. The requested Member State shall be obliged to reply within three weeks. Any delays in the reply shall be duly justified. Non-compliance with the three week time limit shall not relieve the requested Member State of the obligation to reply. If the research carried out by the requested Member State which did not respect the maximum time limit withholds information which shows that it is responsible, that Member State may not invoke the expiry of the time limits provided for in Article 29 as a reason for refusing to comply with a request to take charge. In that case, the time limits provided for in Article 29 for submitting a request to take charge shall be extended by a period of time equivalent to the delay in the reply by the requested Member State. |
| Article 40(6) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 464           | 6. The exchange of information shall be effected at the request of a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 6. The exchange of information shall be effected at the request of a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 6. The exchange of information shall be effected at the request of a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 6. The exchange of information shall be effected at the request of a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                          | Commission Proposal                                                                                                                                                                                                                                                                 | EP Mandate                                                                                                                                                                                                                                                                          | Council Mandate                                                                                                                                                                                                                                                                     | Draft Agreement                                                                                                                                                                                                                                                                     |
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|                          | Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission in accordance with Article 41(1).                                                                                                           | Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission in accordance with Article 41(1).                                                                                                           | Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission in accordance with Article 41(1).                                                                                                           | Member State and may only take place between authorities whose designation by each Member State has been communicated to the Commission in accordance with Article 41(1).                                                                                                           |
| Article 40(7)            |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |
| 465                      | 7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with: | 7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with: | 7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with: | 7. The information exchanged may only be used for the purposes set out in paragraph 1. In each Member State such information may, depending on its type and the powers of the recipient authority, only be communicated to the authorities and courts and tribunals entrusted with: |
| Article 40(7), point (a) |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |
| 466                      | (a) determining the Member State responsible;                                                                                                                                                                                                                                       | (a) determining the Member State responsible;                                                                                                                                                                                                                                       | (a) determining the Member State responsible;                                                                                                                                                                                                                                       | (a) determining the Member State responsible;                                                                                                                                                                                                                                       |
| Article 40(7), point (b) |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |
| 467                      | (b) examining the application for international protection;                                                                                                                                                                                                                         | (b) examining the application for international protection;                                                                                                                                                                                                                         | (b) examining the application for international protection;                                                                                                                                                                                                                         | (b) examining the application for international protection;                                                                                                                                                                                                                         |
| Article 40(7), point (c) |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                     |
| 468                      | (c) implementing any obligation arising under this Regulation.                                                                                                                                                                                                                      | (c) implementing any obligation arising under this Regulation.                                                                                                                                                                                                                      | (c) implementing any obligation arising under this Regulation.                                                                                                                                                                                                                      | (c) implementing any obligation arising under this Regulation.                                                                                                                                                                                                                      |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                                     | Council Mandate                                                                                                                                                                                                                                                                                                                                                | Draft Agreement                                                                                                                                                                                                                                                                                                                                                |
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| Article 40(8) |                     |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |
| G             | 469                 | 8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that it has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased. | 8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that it has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased. | 8. The Member State which forwards the information shall ensure that it is accurate and up-to-date. If it transpires that it has forwarded information which is inaccurate or which should not have been forwarded, the recipient Member States shall be informed thereof immediately. They shall be obliged to correct such information or to have it erased. |
| Article 40(9) |                     |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |
| Y             | 470                 | 9. In each Member State concerned, a record shall be kept, in the individual file for the person concerned or in a register, of the transmission and receipt of information exchanged. <u>The security and confidentiality of that record shall be ensured.</u>                                                                                                | 9. In each Member State concerned, a record shall be kept, in the individual file for the person concerned or in a register, of the transmission and receipt of information exchanged.                                                                                                                                                                         | 9. In each Member State concerned, a record shall be kept, in the individual file for the person concerned or in a register, of the transmission and receipt of information exchanged.                                                                                                                                                                         |
| Article 41    |                     |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |
| G             | 471                 | Article 41<br>Competent authorities and resources                                                                                                                                                                                                                                                                                                              | Article 41<br>Competent authorities and resources                                                                                                                                                                                                                                                                                                              | Article 41<br>Competent authorities and resources                                                                                                                                                                                                                                                                                                              |
| Article 41(1) |                     |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                |
| Y             | 472                 | 1. Each Member State shall notify the Commission without delay of the                                                                                                                                                                                                                                                                                          | 1. Each Member State shall notify the Commission without delay of the                                                                                                                                                                                                                                                                                          | 1. Each Member State shall notify the Commission without delay of the                                                                                                                                                                                                                                                                                          |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|               | specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States 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, take back notifications and, if applicable, complying with their obligations under Chapters I-III of Part IV. | specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States shall ensure that those authorities have the necessary <u>human, material and financial</u> resources for carrying out their tasks and in particular for <u>applying the procedures for determining the Member State responsible for examining an application for international protection in a rapid and efficient manner, safeguarding procedural and fundamental rights,</u> replying within the prescribed time limits to requests for information, requests to take charge <u>or</u> , take back notifications and, if applicable, complying with their obligations under Chapters I-III of Part IV. | specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States 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, take back notifications and, if applicable, complying with their obligations under Chapters I-III of Part IV. | specific authorities responsible for fulfilling the obligations arising under this Regulation, and any amendments thereto. The Member States shall ensure that those authorities have the necessary <u>human, material and financial</u> resources for carrying out their tasks <u>relating to the application of the procedures for determining the Member State responsible for examining an application for international protection in a rapid and efficient manner,</u> and in particular for <u>safeguarding procedural and fundamental rights, ensuring a swift procedure for reuniting family members and relatives present in different Member States,</u> replying within the prescribed time limits to requests for information, requests to take charge, take back <u>[notifications/requests]</u> and, if applicable, complying with their obligations under Chapters I-III of Part IV. |
| Article 41(2) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 473           | 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 changes to that list, the Commission shall publish an updated consolidated list                                                                                                                                                                                                                                | 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 changes to that list, the Commission shall publish an updated consolidated list                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 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 changes to that list, the Commission shall publish an updated consolidated list                                                                                                                                                                                                                                | 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 changes to that list, the Commission shall publish an updated consolidated list                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|               | once a year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | once a year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | once a year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | once a year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Article 41(3) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 474           | 3. Member States shall ensure that the authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3. Member States shall ensure that the authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3. Member States shall ensure that the authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3. Member States shall ensure that the authorities referred to in paragraph 1 shall receive the necessary training with respect to the application of this Regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Article 41(4) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 475           | 4. The Commission shall, by means of implementing acts, establish secure electronic transmission channels between the authorities referred to in paragraph 1 and between those authorities and the Asylum Agency for transmitting information, biometric data taken in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation], requests, notifications, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish secure electronic transmission channels between the authorities referred to in paragraph 1 and between those authorities and the Asylum Agency for transmitting information, biometric data taken in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation], requests, notifications, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish secure electronic transmission channels between the authorities referred to in paragraph 1 and between those authorities and the Asylum Agency for transmitting information, biometric data taken in accordance with Regulation (EU) XXX/XXX [ <b>Eurodac Regulation</b> ], requests, notifications, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). | 4. The Commission shall, by means of implementing acts, establish secure electronic transmission channels between the authorities referred to in paragraph 1 and between those authorities and the Asylum Agency for transmitting information, biometric data taken in accordance with Regulation (EU) XXX/XXX [Eurodac Regulation], requests, notifications, replies and all written correspondence and for ensuring that senders automatically receive an electronic proof of delivery. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). |
| Article 42    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 476           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|                          | Commission Proposal                                                                                                                                                                                                                                                                      | EP Mandate                                                                                                                                                                                                                                                                               | Council Mandate                                                                                                                                                                                                                                                                          | Draft Agreement                                                                                                                                                                                                                                                                          |
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|                          | Article 42<br>Administrative arrangements                                                                                                                                                                                                                                                | Article 42<br>Administrative arrangements                                                                                                                                                                                                                                                | Article 42<br>Administrative arrangements                                                                                                                                                                                                                                                | Article 42<br>Administrative arrangements                                                                                                                                                                                                                                                |
| Article 42(1)            |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 477                      | 1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details for the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to: | 1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details for the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to: | 1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details for the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to: | 1. Member States may, on a bilateral basis, establish administrative arrangements between themselves concerning the practical details for the implementation of this Regulation, in order to facilitate its application and increase its effectiveness. Such arrangements may relate to: |
| Article 42(1), point (a) |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 478                      | (a) exchanges of liaison officers;                                                                                                                                                                                                                                                       | (a) exchanges of liaison officers;                                                                                                                                                                                                                                                       | (a) exchanges of liaison officers;                                                                                                                                                                                                                                                       | (a) exchanges of liaison officers;                                                                                                                                                                                                                                                       |
| Article 42(1), point (b) |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 479                      | (b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back applicants;                                                                                                               | (b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back applicants;                                                                                                               | (b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back applicants;                                                                                                               | (b) simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back applicants;                                                                                                               |
| Article 42(1), point (c) |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
| 480                      | (c) solidarity contributions made pursuant to Chapters I-III of Part IV.                                                                                                                                                                                                                 | (c) solidarity contributions made pursuant to Chapters I-III of Part IV.                                                                                                                                                                                                                 | (c) solidarity contributions made pursuant to Chapters I-III of Part IV.                                                                                                                                                                                                                 | (c) solidarity contributions made pursuant to Chapters I-III of Part IV.                                                                                                                                                                                                                 |
| Article 42(2)            |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |

|               | Commission Proposal | EP Mandate                                                                                                                                                                                                                                                                                                                                  | Council Mandate                                                                                                                                                                                                                                                                                                                             | Draft Agreement                                                                                                                                                                                                                                                                                                                             |
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| G             | 481                 | 2. Member States may also maintain the administrative arrangements concluded under Regulation (EC) No 343/2003 and Regulation (EU) No 604/2013. To the extent that such arrangements are not compatible with this Regulation, the Member States concerned shall amend the arrangements in such a way as to eliminate any incompatibilities. | 2. Member States may also maintain the administrative arrangements concluded under Regulation (EC) No 343/2003 and Regulation (EU) No 604/2013. To the extent that such arrangements are not compatible with this Regulation, the Member States concerned shall amend the arrangements in such a way as to eliminate any incompatibilities. | 2. Member States may also maintain the administrative arrangements concluded under Regulation (EC) No 343/2003 and Regulation (EU) No 604/2013. To the extent that such arrangements are not compatible with this Regulation, the Member States concerned shall amend the arrangements in such a way as to eliminate any incompatibilities. |
| Article 42(3) |                     |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |
| Y             | 482                 | 3. Before concluding or amending any arrangement as referred to in paragraph 1, point (b), the Member States concerned shall consult the Commission as to the compatibility of the arrangement with this Regulation <u>and relevant Union acquis, including the Charter of Fundamental Rights</u> .                                         | 3. Before concluding or amending any arrangement as referred to in paragraph 1, point (b), the Member States concerned shall consult the Commission as to the compatibility of the arrangement with this Regulation.                                                                                                                        | 3. Before concluding or amending any arrangement as referred to in paragraph 1, point (b), the Member States concerned shall consult the Commission as to the compatibility of the arrangement with this Regulation.                                                                                                                        |
| Article 42(4) |                     |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                             |
| Y             | 483                 | 4. If the Commission considers the arrangements referred to in paragraph 1, point (b), to be incompatible with this Regulation <u>and relevant Union acquis</u> , it shall, within a reasonable period, notify the Member States concerned. The Member States shall take all appropriate steps to amend the arrangement concerned within a  | 4. If the Commission considers the arrangements referred to in paragraph 1, point (b), to be incompatible with this Regulation, it shall, within a reasonable period, notify the Member States concerned. The Member States shall take all appropriate steps to amend the arrangement concerned within a                                    | 4. If the Commission considers the arrangements referred to in paragraph 1, point (b), to be incompatible with this Regulation, it shall, within a reasonable period, notify the Member States concerned. The Member States shall take all appropriate steps to amend the arrangement concerned within a                                    |

|                               | Commission Proposal                                                                                                                                                                                                                                                                                                                  | EP Mandate                                                                                                                                                                                                                                                                                                                                                                                                        | Council Mandate                                                                                                                                                                                                                                                                                                                      | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                               | reasonable time in such a way as to eliminate any incompatibilities observed.                                                                                                                                                                                                                                                        | arrangement concerned within a reasonable time in such a way as to eliminate any incompatibilities observed.                                                                                                                                                                                                                                                                                                      | reasonable time in such a way as to eliminate any incompatibilities observed.                                                                                                                                                                                                                                                        | reasonable time in such a way as to eliminate any incompatibilities observed.                                                                                                                                                                                                                                                                                                                                            |
| Article 42(5)                 |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 484                           | 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto.                                                                                                                                                                                  | 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto.                                                                                                                                                                                                                                                               | 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto.                                                                                                                                                                                  | 5. Member States shall notify the Commission of all arrangements referred to in paragraph 1, and of any denunciation thereof, or amendment thereto.                                                                                                                                                                                                                                                                      |
| Article 43                    |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 485                           | Article 43<br>Network of responsible units                                                                                                                                                                                                                                                                                           | Article 43<br>Network of responsible units                                                                                                                                                                                                                                                                                                                                                                        | Article 43<br>Network of responsible units                                                                                                                                                                                                                                                                                           | Article 43<br>Network of responsible units                                                                                                                                                                                                                                                                                                                                                                               |
| Article 43, first paragraph   |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 486                           | The Asylum Agency shall set up and facilitate the activities of a network of the competent authorities referred to in Article 41(1), with a view to enhancing practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance. | The Asylum Agency shall set up and facilitate the activities of a network <u>or networks</u> of the competent authorities referred to in Article 41(1), with a view to enhancing <u>the transfers</u> , practical cooperation and information sharing on all matters related to the <u>full</u> application of this Regulation, including the development of practical tools, <u>best practices</u> and guidance. | The Asylum Agency shall set up and facilitate the activities of a network of the competent authorities referred to in Article 41(1), with a view to enhancing practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance. | The Asylum Agency shall set up and facilitate the activities of a network <u>or networks</u> of the competent authorities referred to in Article 41(1), with a view to enhancing practical cooperation, <u>including transfers</u> , and information sharing on all matters related to the <u>full</u> application of this Regulation, including the development of practical tools, <u>best practices</u> and guidance. |
| Article 43, first paragraph a |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                          |

|             | Commission Proposal         | EP Mandate                                                                                                                                                                   | Council Mandate             | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 486a        |                             | <u><i>The European Border and Coast Guard Agency and other relevant Union bodies, offices and agencies shall be represented in a network or networks when necessary.</i></u> |                             | <u><i>The European Border and Coast Guard Agency and other relevant Union bodies, offices and agencies may be represented in a network or networks when necessary.</i></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| CHAPTER VII |                             |                                                                                                                                                                              |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 487         | CHAPTER VII<br>CONCILIATION | CHAPTER VII<br>CONCILIATION                                                                                                                                                  | CHAPTER VII<br>CONCILIATION |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 44  |                             |                                                                                                                                                                              |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 488         | Article 44<br>Conciliation  | <i>deleted</i>                                                                                                                                                               | Article 44<br>Conciliation  | <p>Article 44<br/>Conciliation</p> <p>COM consideration:<br/>The conciliation procedure is a valuable tool for Member States where they need to discuss specific issues between them, for example differences in interpretation or practice. The current expert group (the Dublin Contact Committee) does not have the possibility to carry out the tasks as set out in this Article.</p> <p>The conciliation procedure exists in the current Dublin III Regulation as a dispute resolution mechanism, but it has not been formally used because the current procedure requires the consent of both Member States. The COM proposal on AMMR optimises the procedure making it easier for use in</p> |

|                                    | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>order to make it more operational and to facilitate its use in the future.</p> <p>The suggestion is therefore to keep this procedure but add a paragraph that it does not affect/prolong individual cases as requested by the EP.</p>                                                                                                                                                                                                                                                                                                   |
| Article 44(1), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 489                                | <p>1. In order to facilitate the proper functioning of the mechanisms set up under this Regulation and resolve difficulties in the application thereof, where two or more Member States encounter difficulties in their cooperation under this Regulation or in its application between them, the Member States concerned shall, upon request by one or more of them, hold consultations without delay with a view to finding appropriate solutions within a reasonable time, in accordance with the principle of sincere cooperation.</p> | <i>deleted</i> | <p>1. In order to facilitate the proper functioning of the mechanisms set up under this Regulation and resolve difficulties in the application thereof, where two or more Member States encounter difficulties in their cooperation under this Regulation or in its application between them, the Member States concerned shall, upon request by one or more of them, hold consultations without delay with a view to finding appropriate solutions within a reasonable time, in accordance with the principle of sincere cooperation.</p> | <p>1. In order to facilitate the proper functioning of the mechanisms set up under this Regulation and resolve difficulties in the application thereof, where two or more Member States encounter difficulties in their cooperation under this Regulation or in its application between them, the Member States concerned shall, upon request by one or more of them, hold consultations without delay with a view to finding appropriate solutions within a reasonable time, in accordance with the principle of sincere cooperation.</p> |
| Article 44(1), second subparagraph |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 490                                | <p>As appropriate, information about the difficulties encountered and the solution found may be shared with the Commission and with the other Member States within the Committee referred to in Article 67.</p>                                                                                                                                                                                                                                                                                                                            | <i>deleted</i> | <p>As appropriate, information about the difficulties encountered and the solution found may be shared with the Commission and with the other Member States within the Committee referred to in Article 67.</p>                                                                                                                                                                                                                                                                                                                            | <p>As appropriate, information about the difficulties encountered and the solution found may be shared with the Commission and with the other Member States within the Committee referred to in Article 67.</p>                                                                                                                                                                                                                                                                                                                            |
| Article 44(2), first subparagraph  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|   | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| y | 491<br>2. Where no solution is found under paragraph 1 or the difficulties persist, one or more of the Member States concerned may request the Commission to hold consultations with the Member States concerned with a view to finding appropriate solutions. The Commission shall hold such consultations without delay. The Member States concerned shall actively participate in the consultations and, as well as the Commission, take all appropriate measures to promptly resolve the matter. The Commission may adopt recommendations addressed to the Member States concerned indicating the measures to be taken and the appropriate deadlines. | <i>deleted</i> | 2. Where no solution is found under paragraph 1 or the difficulties persist, one or more of the Member States concerned may request the Commission to hold consultations with the Member States concerned with a view to finding appropriate solutions. The Commission shall hold such consultations without delay. The Member States concerned shall actively participate in the consultations and, as well as the Commission, take all appropriate measures to promptly resolve the matter. The Commission may adopt recommendations addressed to the Member States concerned indicating the measures to be taken and the appropriate deadlines. | 2. Where no solution is found under paragraph 1 or the difficulties persist, one or more of the Member States concerned may request the Commission to hold consultations with the Member States concerned with a view to finding appropriate solutions. The Commission shall hold such consultations without delay. The Member States concerned shall actively participate in the consultations and, as well as the Commission, take all appropriate measures to promptly resolve the matter. The Commission may adopt recommendations addressed to the Member States concerned indicating the measures to be taken and the appropriate deadlines. |
|   | Article 44(2), second subparagraph                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| y | 492<br>As appropriate, information about the difficulties encountered, the recommendations made and the solution found may be shared with the other Member States within the Committee referred to in Article 67.                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>deleted</i> | As appropriate, information about the difficulties encountered, the recommendations made and the solution found may be shared with the other Member States within the Committee referred to in Article 67.                                                                                                                                                                                                                                                                                                                                                                                                                                         | As appropriate, information about the difficulties encountered, the recommendations made and the solution found may be shared with the other Member States within the Committee referred to in Article 67.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | Article 44(2a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| y | 492a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <u><a href="#">The procedure set out in this Article shall not affect the time limits set out in this Regulation in individual</a></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|               | Commission Proposal                                                                                                                                                                                                                                                                                                                                                                                                   | EP Mandate     | Council Mandate                                                                                                                                                                                                                                                                                                                                                                                                       | Draft Agreement                                                                                                                                                                                                                                                                                                                                                                                                       |
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|               |                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                                                                                                                                                                                                                                                                                                                                                                                                                       | <u><a href="#">cases.</a></u>                                                                                                                                                                                                                                                                                                                                                                                         |
| Article 44(3) |                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 493           | 3. This Article shall be without prejudice to the powers of the Commission to oversee the application of Union law under Articles 258 and 260 of the Treaty. It shall be without prejudice to the possibility for the Member States concerned to submit their dispute to the Court of Justice in accordance with Article 273 of the Treaty or to bring the matter to it in accordance with Article 259 of the Treaty. | <i>deleted</i> | 3. This Article shall be without prejudice to the powers of the Commission to oversee the application of Union law under Articles 258 and 260 of the Treaty. It shall be without prejudice to the possibility for the Member States concerned to submit their dispute to the Court of Justice in accordance with Article 273 of the Treaty or to bring the matter to it in accordance with Article 259 of the Treaty. | 3. This Article shall be without prejudice to the powers of the Commission to oversee the application of Union law under Articles 258 and 260 of the Treaty. It shall be without prejudice to the possibility for the Member States concerned to submit their dispute to the Court of Justice in accordance with Article 273 of the Treaty or to bring the matter to it in accordance with Article 259 of the Treaty. |



Council of the European Union  
General Secretariat

**Brussels, 07 November 2023**

**WK 14156/2023 INIT**

**LIMITE**

**ASILE**

**MIGR**

**CADREFIN**

**CODEC**

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## **WORKING DOCUMENT**

|                |                                                                                                                                                                                                                                                  |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From:          | General Secretariat of the Council                                                                                                                                                                                                               |
| To:            | JHA Counsellors (Asylum)                                                                                                                                                                                                                         |
| N° prev. doc.: | WK 13602/2023                                                                                                                                                                                                                                    |
| N° Cion doc.:  | 11213/20 + ADD 1                                                                                                                                                                                                                                 |
| Subject:       | Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]<br>- 4-Column table |

Delegations will find attached in Annex a 4-Column table on the above proposal.

The document contains the **relevant provisions (Articles 3 to 44)** of the AMMR proposal to be discussed at the **JHA Counsellors meeting on 25 October 2023**.

The provisions marked green have been agreed by the co-legislators and provisions marked yellow are under discussion.