



Council of the European Union
General Secretariat

**Interinstitutional files:
2020/0279 (COD)**

Brussels, 05 July 2023

WK 9267/2023 INIT

LIMITE

ASILE

MIGR

CODEC

CADREFIN

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	JHA Counsellors (Asylum)
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] - 4-Column table

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

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)

[Version for Technical Meeting on 6 July, 2023]

03-07-2023 at 14h52

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2020/0279 (COD)	2020/0279 (COD)	2020/0279 (COD)	
Proposal Title				
2	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)	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)	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] 2021/1147 [...] (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e) and Article 79(2)(a)(b) and (c) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e) and Article 79(2)(a)(b) and (c) <u>and Article 80</u> thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e) and Article 79(2)(a)(b) and (c) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) The Union, in constituting an area of freedom, security and justice, should ensure the absence of internal border controls for persons and frame a common policy on asylum, immigration and management of the external borders of the Union, based on solidarity between Member States, which is fair towards third-country nationals.	(1) The Union, in constituting an area of freedom, security and justice, should ensure the absence of internal border controls for persons and frame a common policy on asylum, immigration and management of the external borders of the Union, based on solidarity <u>and fair sharing of responsibility</u> between Member States, which is fair towards third-country nationals <u>and fully respects the rights of asylum-seekers, refugees and migrants</u> .	(1) The Union, in constituting an area of freedom, security and justice, should ensure the absence of internal border controls for persons and frame a common policy on asylum, immigration and management of the external borders of the Union, based on solidarity between Member States, which is fair towards third-country nationals.	
Recital 2				
12	(2) To this end, a comprehensive approach is required with the objective of reinforcing mutual trust between Member States which should bring together policy in the	(2) To this end, a comprehensive approach is required with the objective of reinforcing mutual trust between Member States which should bring together policy in the	(2) To this end, a comprehensive approach is required with the objective of reinforcing mutual trust between Member States which should bring together policy in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	areas of asylum and migration management and towards relations with relevant third countries, recognising that the effectiveness of such an approach depends on all components being jointly addressed and in an integrated manner.	areas of asylum and migration management ~~and towards relations with relevant third countries~~ , recognising that the effectiveness of such an approach depends on all components being jointly addressed ~~and~~ , in an integrated manner <u>and properly implemented</u> .	areas of asylum and migration management and towards relations with relevant third countries, recognising that the effectiveness of such an approach depends on all components being jointly[...] addressed jointly and in an integrated manner.	
Recital 3				
13	(3) This Regulation should contribute to that comprehensive approach by setting out a common framework for the actions of the Union and of the Member States in the field of asylum and migration management policies, by elaborating on the principle of solidarity and fair sharing of responsibility in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU). Member States should therefore take all necessary measures, inter alia, to provide access to international protection and adequate reception conditions to those in need, to enable the effective application of the rules on determining the Member State responsible for examining an application for international protection, to return illegally staying third-country nationals, to prevent irregular migration and unauthorised movements between them, and to	(3) This Regulation should contribute to that comprehensive approach by setting out a common framework for the actions of the Union and of the Member States in the field of asylum and migration management policies, by <u>upholding and</u> elaborating on the principle of solidarity and fair sharing of responsibility in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU). Member States should therefore take all necessary measures, inter alia, to provide access to international protection and adequate reception conditions to those in need, to <u>promote safe and legal pathways, to</u> enable the effective application of the rules on determining the Member State responsible for examining an application for international protection, to ~~return illegally staying~~ <u>fairly and effectively return</u>	(3) This Regulation should contribute to that comprehensive approach by setting out a common framework for the actions of the Union and of the Member States, each within their respective competencies , in the field of asylum and relevant migration management policies, by elaborating on the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States, which governs the policies in area of asylum and migration in accordance with Article 80 of the Treaty on the Functioning of the European Union (TFEU). ~~Member States should therefore take all necessary measures, inter alia, to provide access to international protection and adequate reception conditions to those in need, to enable the effective application of the rules on determining~~ The principle of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach.	<u>those</u> third-country nationals <u>who do not fulfil the conditions for residence in the territory of the Member States</u> , to prevent irregular migration and unauthorised movements between them, <u>to prevent and fight migrant smuggling and human trafficking whilst protecting the rights of smuggled and trafficked people</u> , and to provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach.	solidarity and fair sharing of responsibility should be the premise on the basis of which the Member State responsible for examining an application for international protection, to return illegally staying third-country nationals, to prevent irregular States as a whole share the responsibility to manage migration and unauthorised movements between them, and to provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach, in particular in the area governed by the set of common rules included in the Common European Asylum System.	
Recital 3a				
13a			(3a) Member States should therefore take all necessary measures, <i>inter alia</i>, to provide access to international protection and adequate reception conditions to those in need, to enable the effective application of the rules on determining the Member State responsible for examining an application for international protection, to return illegally staying third-country nationals, to prevent irregular migration and unauthorised movements of third	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			country nationals and stateless persons between them, and to provide support to other Member States in the form of solidarity contributions, as their contribution to the comprehensive approach.	
Recital 4				
14	(4) The common framework should bring together the management of the Common European Asylum System and that of migration policy. The objective of migration policy should be to ensure the efficient management of migration flows, the fair treatment of third-country nationals residing legally in Member States and the prevention of, and enhanced measures to combat, illegal migration and migrant smuggling.	<i>deleted</i>	(4) The common framework should bring together the management of the Common European Asylum System and that of relevant migration policies . The objective of ~~migration policy~~ this common framework [...] should be to ensure the efficient management of migration flows, the fair treatment of third-country nationals ~~residing legally in Member States~~ and stateless persons [...] and the prevention of irregular migration, and enhancement of, and enhanced measures to combat, illegal migration and migrant smuggling [...] migrant smuggling and trafficking in human beings.	
Recital 5				
15	(5) The common framework is needed in order to effectively address the increasing phenomenon of mixed arrivals of persons in need	(5) The common framework is needed in order to effectively address the increasing phenomenon of mixed arrivals of persons in need	(5) The common framework is needed in order to effectively address the increasing phenomenon of mixed arrivals of persons in need	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of international protection and those who are not and in recognition that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole. To ensure that Member States have the necessary tools to effectively manage this challenge in addition to applicants for international protection, irregular migrants should also fall within the scope of this Regulation. The scope of this Regulation should also include beneficiaries of international protection, resettled or admitted persons as well as persons granted immediate protection.	of international protection and those who are not and in recognition that the ~~challenge of~~ <u>responsibility for arrivals of irregular-arrivals-of</u> migrants <u>and asylum-seekers</u> in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole. ~~To ensure that Member States have the necessary tools to effectively manage this challenge in addition to applicants for international protection, irregular migrants should also fall within the scope of this Regulation. The scope of this Regulation should also include beneficiaries of international protection, resettled or admitted persons as well as persons granted immediate protection.~~	of international protection and those who are not and in recognition that the challenge of irregular arrivals of migrants in the Union should not have to be assumed by individual Member States alone, but by the Union as a whole. To ensure that Member States have the necessary tools to effectively manage this challenge in addition to applicants for international protection, irregular migrants should also fall within the scope of this Regulation. The scope of this Regulation should also include ~~beneficiaries of international protection~~[...] resettled or admitted persons as well as [persons granted immediate protection].	
Recital 6				
16	(6) In order to reflect the whole of government approach and ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies, there is a need for integrated policy-making in the field of asylum and migration management, including both its internal and external components, which is part of the comprehensive approach.	(6) In order to ~~reflect the whole of government approach and~~ ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies, there is a need for integrated policy-making in the field of asylum and migration management, including both its internal and external components, <u>in compliance with international and Union law, ensuring coherence between</u>	(6) In order to reflect the whole of government approach and ensure coherence and effectiveness of the actions and measures taken by the Union and its Member States acting within their respective competencies, there is a need for integrated policy-making in the field of asylum and migration management, including both its internal and external components, which is part of the comprehensive approach. The Union and Member States should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>asylum and migration management policies</u> which is part of the ~~comprehensive~~ <u>integrated policy-making</u> approach.	ensure, each within their respective competencies, and whilst respecting the applicable law and international obligations, the coherence of asylum and migration management policies. The Union and Member States, acting within their respective competencies, are responsible for the implementation of asylum and migration management policies.	
Recital 7				
17	(7) Member States should have sufficient human and financial resources and infrastructure to effectively implement asylum and migration management policies and should ensure appropriate coordination between the relevant national authorities as well as with the national authorities of the other Member States.	(7) Member States should have sufficient human, <u>material</u> and financial resources and infrastructure to effectively implement asylum and migration management policies, <u>and allocate adequate staff for their competent authorities, in terms of level, expertise, training and independence, in particular for the determination of the Member State responsible for examining and application for international protection</u> and should ensure appropriate coordination between the relevant national authorities as well as with the national authorities of the other Member States.	(7) Member States should have sufficient human and financial resources and infrastructure to effectively implement asylum and migration management policies and should ensure appropriate coordination between the relevant national authorities as well as with the national authorities of the other Member States to ensure their asylum, reception and migration system is well prepared and that each component has sufficient capacity.	
Recital 8				
18	(8) Taking a strategic approach, the	(8) ~~Taking a strategic approach,~~		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission should adopt a European Asylum and Migration Management Strategy on the implementation of asylum and migration management policies. The Strategy should be based on relevant reports and analyses produced by Union agencies and on the national strategies of the Member States.	The Commission should adopt a <u>long-term</u> European Asylum and Migration Management Strategy <u>(the 'Strategy')</u> on the implementation of asylum and migration management policies <u>at Union level, in accordance with the principles set out in this Regulation and in Union primary law and applicable international law</u> . The Strategy should be based on relevant reports and analyses produced by Union agencies, <u>bodies and offices</u> , and on the national strategies of the Member States, <u>setting out the approach to managing asylum and migration at Union level. It should include access to asylum procedures and should take into account the relevant jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights.</u>	<i>deleted</i>	
Recital 9				
19	(9) National strategies of the Member States should include information on contingency planning and on the implementation of the principles of integrated policy-making and of solidarity and fair sharing of responsibility of this Regulation and legal obligations stemming therefrom at national level.	(9) National strategies of the Member States should <u>serve to ensure their capacity to effectively implement their asylum and migration management system, in full compliance with their obligations under Union and international law. They should include preventive measures to reduce the risk of migratory</u>	(9) ~~National strategies of the Member States should~~ Taking a strategic approach, Member States should have national strategies, which [...] should include information on contingency planning, including as provided for under the Directive (EU) No XXX/XXX/EU [Reception Conditions Directive] [...] relevant information as regards and on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>pressure as well as</i></u> information on contingency planning and on the implementation of the principles of integrated policy-making and of solidarity and fair sharing of responsibility of this Regulation and legal obligations stemming therefrom at national level. <u><i>To this end, the duties of the Member States in respect of their competences should be clearly defined. The Commission and relevant Union bodies, offices and agencies, and in particular the Asylum Agency, should be able to support the Member States when establishing their national strategies.</i></u>	~~implementation of the principles of integrated policy-making and of solidarity and fair sharing of responsibility of this Regulation and legal obligations stemming therefrom at national level. To ensure that the national strategies are comparable on specific core elements, a common template should be established by the Commission.~~	
Recital 10				
20	(10) In order to ensure that an effective monitoring system is in place to ensure the application of the asylum acquis, the results of the monitoring undertaken by the European Union Asylum Agency and Frontex, 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.	(10) In order to ensure that an effective monitoring system is in place to ensure the application of the asylum acquis, the results of the monitoring undertaken by the European Union Asylum Agency and ~~Frontex~~ <u><i>the European Border and Coast Guard Agency, and other relevant bodies, offices, agencies or organisations</i></u> , of the evaluation carried out in accordance with Council Regulation ~~No 1053/2013~~ <u><i>(EU) 2022/922^{1a}</i></u> as well as those carried out in line with Article 7 of Regulation (EU)	(10) In order to ensure that an effective monitoring system is in place to ensure the application of the asylum acquis, the results of the monitoring undertaken by the European Union Asylum Agency and Frontex, relevant parts of the evaluation carried out in accordance with Council Regulation No ~~1053/2013~~ Regulation 2022/922 [...] as well as those carried out in line with Article 7 of Regulation (EU) XXX/XXX [Screening Regulation ~~Screening Regulation~~] should also be taken into account in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		XXX/XXX [Screening Regulation] should also be taken into account in these strategies^{1a}. <u>1a. 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 (OJ L 160, 15.6.2022, p. 1).</u>	these strategies.	
Recital 11				
21	(11) Bearing in mind the importance of ensuring that the Union is prepared and able to adjust to the developing and evolving realities of asylum and migration management, the Commission should annually adopt a Migration Management Report setting out the likely evolution of the migratory situation and the preparedness of the Union and the Member States to respond and adapt to it. The Report should also include the results of the reporting on monitoring foreseen in the national strategies and should propose improvements where weaknesses are apparent.	(11) ~~Bearing in mind~~<u>Considering</u> the importance of ensuring that the Union is prepared and able to adjust to the developing and evolving realities of asylum and migration management, the Commission should <u>monitor and provide information on the asylum, reception and migratory situation over the previous 12-month period as a whole. The Commission should</u> annually adopt a ~~Migration Management~~<u>situational report, including an evaluation of its strategy. The situational</u> report ~~setting out~~<u>should set out, inter alia,</u> the likely evolution of the migratory situation and the preparedness of the Union and the Member States to respond and adapt to ~~it. The~~<u>the evolution of the migratory situation, ensuring their engagement and participation in solidarity and</u>	(11) Bearing in mind the importance of ensuring that the Union is prepared and able to adjust to the developing and evolving realities of asylum and migration management, the Commission should annually adopt a European Migration Management Report ~~setting out the likely evolution of the~~<u>assessing the situation along all</u> migratory situation and the preparedness of the Union and the Member States to respond and adapt to it. The Report should also include the results of the reporting on monitoring foreseen in the national strategies and should propose improvements where weaknesses are apparent<u>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 providing a strategic situational</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>responsibility sharing. The situational</u> report should also include the results of the reporting on monitoring foreseen in the national strategies, <u>assessing Member States' implementation and compliance with relevant Union law</u> and should propose improvements where weaknesses are apparent.	picture and forward-looking projections for the coming year [...].	
Recital 11a				
21a			(11a) The Report should be prepared in consultation with Member States and relevant Union agencies. The Report should also include information about the level of preparedness in the Union and in the Member States and the possible impact of the projected situations. For the purpose of the Report, the Commission should use existing reporting mechanisms, primarily the Integrated Situational Awareness and Analysis (ISAA), provided that the Integrated Political Crisis Response is activated, and Migration Preparedness and Crisis Blueprint reports¹. Information provided by other relevant sources, including the European Migration Network (EMN), the United Nations High Commissioner for Refugees	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(UNHCR), and the International Organization for Migration (IOM) should also be taken into consideration. The Commission should only request additional information from Member States when not available through those reporting mechanisms and relevant Union agencies, in order to avoid a duplication of efforts. 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)	
Recital 12				
22	(12) In order to ensure that the necessary tools are in place to assist Member States in dealing with challenges that may arise due to the presence on their territory of third-country nationals that are vulnerable applicants for international protection, regardless of how they crossed the external borders, the Report should also indicate whether the said Member States are faced with such challenges. Those Member States should also be able to rely on the use of the ‘solidarity pool’ for the relocation of vulnerable persons.	(12) In order to ensure that the necessary tools are in place to assist Member States— in dealing with challenges that may arise due to the presence on their territory of third-country nationals that are vulnerable applicants for international protection, regardless of how they crossed the external borders, the <u>annual situational</u> report should also indicate whether the said Member States are faced with such challenges. Those Member States should also be able to rely on ~~the use of the ‘solidarity pool’ for~~ <u>solidarity contributions foreseen in this Regulation and</u> the relocation of	(12) In order to ensure that the necessary tools are in place to assist Member States— in dealing with challenges that may arise due to the presence on their territory of third-country nationals ~~that are vulnerable applicants for international protection~~ or stateless persons [...], regardless of how they crossed the external borders, the Report should ~~also indicate whether the said~~ be accompanied by a Decision stating which [...] Member States are ~~faced with such challenges. Those~~ under migratory pressure, at risk of migratory pressure during the upcoming year or facing a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>persons in a</u> vulnerable ~~persons~~ <u>situation should be prioritised.</u>	significant migratory situation. [...] Member States under migratory pressure should also[...] be able to rely on the use of the ‘solidarity pool’ for the relocation of ~~vulnerable persons~~ measures included in the Solidarity Pool [...].	
Recital 12a				
22a			(12a) In order to provide predictability to Member States under migratory pressure and contributing Member States, the Report and the Decision should be accompanied by a Recommendation identifying concrete annual solidarity measures, including relocations, financial contributions and, where applicable, alternative solidarity measures, and their numerical scale likely to be needed for the upcoming year at Union level, recognising that the various types of solidarity are of equal value, and measures needed under the Permanent EU Toolbox necessary to address the migratory situation. The types and numerical scale of the contributions identified should at minimum correspond to annual minimum thresholds for relocation and financial contributions, which should be set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			out in this Regulation to ensure the predictable planning by contributing Member States and to provide minimum guarantees for the benefitting Member States. Where it deems necessary, the Commission might identify higher annual numbers for relocation or financial contributions. In the same vein, in exceptional situations, where there would be no projected need for solidarity for the coming year, the Commission should take this into account when identifying the annual numbers.	
Recital 12b				
22b			(12b) Contributing Member States should, upon the request of a benefitting Member State, be able to provide alternative solidarity measures, which should focus primarily on capacity building, services, skilled personnel, facilities and technical equipment in fields such as registration, reception, border management, screening, detention and return. Alternative measures should have practical and operational value. Where the Commission, following the consultation with the Member State concerned considers that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			such measures as indicated by the concerned Member State are needed, such measures should be identified in the Recommendation by the Commission. Contributing Member States should be able to pledge such measures even if they are not identified in the Commission Recommendation, and these should be counted as financial solidarity and their financial value should be assessed and applied in a realistic manner. In case those measures are not requested by the benefitting Member State in a given year, they should be converted into financial contributions.	
Recital 12c				
22c			(12c) The Recommendation of the Commission regarding the establishment of the Solidarity Pool should not be made public until the adoption of the Council implementing act establishing the Solidarity Pool. Such classification will facilitate the decision-making process.	
Recital 13				
23	(13) For the effective implementation of the common	(13) For the effective implementation of the common	(13) For the effective implementation of the common	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	framework and to identify gaps, address challenges and prevent the building up of migratory pressure, the Commission should monitor and regularly report on the migratory situation.	framework and to identify gaps, address challenges and prevent the building up of ~~migratory pressure~~ <u>pressure on asylum and reception systems</u> , the Commission should monitor and regularly report on the migratory situation <u>and the implementation of the Union asylum acquis</u> .	framework and to identify gaps, address challenges and prevent the building up of migratory pressure, the Commission should monitor and regularly report on the migratory situation.	
Recital 14				
24	(14) An effective return policy is an essential element of a well-functioning system of Union asylum and migration management, whereby those who do not have the right to stay on Union territory should return. Given that a significant share of applications for international protection may be considered unfounded, it is necessary to reinforce the effectiveness of the return policy. By increasing the efficiency of returns and reducing the gaps between asylum and return procedures, the pressure on the asylum system would decrease, facilitating the application of the rules on determining the Member State responsible for examining those applications as well as contributing to effective access to international protection for those in need.	<i>deleted</i>	(14) An effective return policy is an essential element of a well-functioning system of Union asylum and migration management, whereby those who do not have the right to stay on Union territory should return. Given that a significant share of applications for international protection may be considered unfounded, it is necessary to reinforce the effectiveness of the return policy. By increasing the efficiency of returns and reducing the gaps between asylum and return procedures, the pressure on the asylum system would decrease, facilitating the application of the rules on determining the Member State responsible for examining those applications as well as contributing to effective access to international protection for those in need.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 15				
25	(15) To strengthen cooperation with third countries in the area of return and readmission of illegally staying third-country nationals, it is necessary to develop a new mechanism, including all relevant EU policies and tools, to improve the coordination of the different actions in various policy areas other than migration that the Union and the Member States may take for that purpose. That mechanism should build on the analysis carried out in accordance with Regulation (EU) 810/2019 of the European Parliament and of the Council¹ or of any other information available, and take into account the Union's overall relations with the third country. That mechanism should also serve to support the implementation of return sponsorship. ¹. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1.	(15) To strengthen cooperation with third countries ~~in the area of return and on asylum and migration,~~ <u>including</u> readmission ~~of illegally staying third-country nationals,~~ it is necessary to ~~develop a new mechanism, including all relevant EU policies and tools, to improve the coordination of the different actions in various policy areas other than migration that the Union and the Member States may take for that purpose. That mechanism~~ <u>promote and build tailor-made and mutually beneficial partnerships with those countries. Close cooperation and partnerships with third countries should address causes and drivers of irregular migration and forced displacement. Such partnerships should</u> ~~build on the analysis carried out in accordance with Regulation (EU) 810/2019 of the European Parliament and of the Council¹ or of any other information available, and take into account~~ <u>provide a framework for better coordination of policies with third countries, and be based on human rights, rule of law and the respect of</u> the Union's ~~overall relations with the third country. That mechanism should also serve to support the implementation of return sponsorship~~ <u>common values. The</u>	(15) To strengthen cooperation with third countries in the area of return and readmission of illegally staying third-country nationals, it is necessary to develop a new ~~mechanism~~ process [...], including all relevant EU policies and tools, to improve the coordination of the different actions in various policy areas other than migration that the Union and the Member States may take for that purpose. That ~~mechanism~~ process [...] should build on the analysis carried out in accordance with Regulation (EU) 810/2019¹ of the European Parliament and of the Council¹, the work in the context of the operational coordination mechanism (MOCADÉM) set up to coordinate and react in a timely manner to issues related to the external dimension of migration², and on [...] ~~or of~~ any other information available from Member States as well as from Union institutions, bodies, offices and agencies, and take into account the Union's and Member States' overall relations with the third country. ~~That mechanism should also serve to support the implementation of return sponsorship [...]~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Commission should evaluate the efficiency and fundamental rights compliance of those partnerships annually.</i></u> ~~<i>1. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1.</i>~~	1. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009, p. 1. 2. Set up pursuant to the Council Implementing Decision (EU) 2022/60, OJ L 10, 17.1.2022, p. 79–81	
25a		<u><i>(15a) In order to take actions to promote joint objectives and cooperation with third countries, the Union should fully apply the Neighbourhood, Development and International Cooperation Instrument - Global Europe, established by Regulation (EU) 2021/947 of the European Parliament and of the Council^{1a}.</i></u> <u><i>1a. Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25b		<u>(15b) Capacity building measures in third countries carried out for the purposes of this Regulation should be limited to those set out in this Regulation and should uphold and promote the Union's values, principles and fundamental interests and be in full compliance with fundamental rights and the rights set out in the Charter of Fundamental Rights, including the right to protection.</u>		
Recital 16				
26	(16) In order to ensure a fair sharing of responsibility and a balance of effort between Member States, a solidarity mechanism should be established which is effective and ensures that applicants have swift access to the procedures for granting international protection. Such a mechanism should provide for different types of solidarity measures and should be flexible and able to adapt to the evolving nature of the migratory challenges facing a Member State.	(16) In order to ensure a fair sharing of responsibility and a balance of effort between Member States, a <u>binding</u> solidarity mechanism should be established which is effective and ensures ~~that applicants have~~ swift access to ~~the~~ <u>fair and efficient</u> procedures for granting international protection. Such a mechanism should provide for ~~different types of solidarity measures~~ <u>true solidarity as enshrined in Article 80 of the TFEU</u> and should <u>prioritise relocation while also allowing for capacity building measures within the Union. Measures should be predictable</u> ~~be flexible~~ and able to adapt <u>quickly</u> to the evolving nature of the migratory challenges facing a	(16) In order to ensure a fair sharing of responsibility and a balance of effort between Member States, a solidarity mechanism should be established which ~~is~~ provides [...] effective support to Member States under migratory pressure and ensures that applicants have swift access to the procedures for granting international protection. Such a mechanism should provide for different types of solidarity measures of equal value and should be flexible and able to adapt to the evolving nature of the migratory challenges ~~facing a [...]~~. The solidarity response should be designed on a case-by-case basis in order to be tailor-made to the needs of the Member State in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Member ~~State~~ <u>States, in particular those under migratory pressure, including as a result of recurring arrivals by sea and through disembarkations following search and rescue operations. Relocation of applicants and beneficiaries should ensure that family and other meaningful links of the applicant are taken into account.</u>	question.	
26a		<u>(16a) To ensure a smooth functioning of the relocation of applicants and beneficiaries under this Regulation, an EU Relocation Coordinator should be appointed by the Commission. The EU Relocation Coordinator should monitor and coordinate the operational aspects of relocations and should act as a central point of contact. The EU Relocation Coordinator should assist in solving conflicts arising between Member States in the implementation of this Regulation. The EU Relocation Coordinator should, in cooperation with the Asylum Agency, also promote coherent working methods for the verification of any meaningful links persons eligible for relocation might have with Member States of relocation. The office of the EU Relocation</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>Coordinator should be provided with sufficient staff and resources to effectively fulfil this role.</i></u>		
Recital 17				
27	(17) Given the need to ensure the smooth functioning of the solidarity mechanism established in this Regulation, a Solidarity Forum comprising the representatives of all Member States should be established and convened by the Commission.	(17) Given the need to ensure the smooth functioning of the solidarity mechanism established in this Regulation, a Solidarity Forum comprising the representatives of all Member States should be established and <u><i>should be</i></u> convened <u><i>and chaired</i></u> by the <u><i>EU Relocation Coordinator on behalf of the Commission. The Asylum Agency and, where appropriate and invited by the EU Relocation Coordinator, the European Border and Coast Guard and the European Union Agency for Fundamental Rights, should participate in the Solidarity Forum. To ensure the effectiveness of the Solidarity Forum meetings, Member State representatives should be empowered to take decisions.</i></u>	(17) Given the need to ensure the ~~smooth functioning~~ effective implementation [...] of the solidarity mechanism established in this Regulation, representatives of the Member States at the ministerial or other senior political level should be convened in a High-Level EU Migrationa Solidarity Forum, which should consider the Report, Decision and Recommendation and take stock of the overall situation and come to a conclusion on the solidarity measures and their levels needed for establishment of the Solidarity Pool and where needed other migratory response measures [...]. In order to ensure the smooth functioning and operationalisation of the Solidarity Pool, a Technical Level EU Migration Forum comprising sufficiently senior level representatives, such as high level officials of the relevant authorities of the Member States, should be convened comprising the representatives of all Member States should be established and convened by the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 18				
28	(18) Given the specific characteristics of disembarkations arising in the context of search and rescue operations conducted by Member States or private organisations whether under instruction from Member States or autonomously in the context of migration, this Regulation should provide for a specific process applicable to people disembarked following those operations irrespective of whether there is a situation of migratory pressure.	(18) Given the specific characteristics of <u>recurring arrivals by sea, in particular of</u> disembarkations, arising in the context of search and rescue operations ~~conducted by Member States or private organisations whether under instruction from Member States or autonomously in the context of migration~~ , this Regulation should ~~provide for a specific process applicable to people disembarked following those operations irrespective of whether there is a situation of migratory pressure~~ <u>take into account the vulnerability of persons arriving from such disembarkations and provide for fast and effective solidarity measures.</u>	deleted	
Recital 19				
29	(19) Given the recurring nature of disembarkations from search and rescue operations on the different migratory routes, the annual Migration Management Report should set out the short-term projections of disembarkations anticipated for such operations and the solidarity response that would be	(19) ~~Given the recurring nature of disembarkations from search and rescue operations on the different migratory routes, the annual Migration Management Report~~ <u>The Commission</u> should ~~set out the short term projections of disembarkations anticipated for such operations and~~ <u>adopt annually a</u>	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	required to contribute to the needs of the Member States of disembarkation. The Commission should adopt an implementing act establishing a pool of solidarity measures ('the solidarity pool') with the aim of assisting the Member State of disembarkation to address the challenges of such disembarkations. Such measures should comprise applicants for international protection that are not in the border procedure or measures in the field of strengthening of capacity in the field of asylum, reception and return, or operational support, or measures in the external dimension.	<u>delegated act establishing a pool of solidarity contributions</u> ('the solidarity ~~response that would be required to contribute to the needs of the Member States of disembarkation. The Commission should adopt an implementing act establishing a pool of solidarity measures ('the solidarity pool') with the aim of assisting the Member State of disembarkation to address the challenges of such~~ pool') with the aim of assisting the Member State under migratory pressure or likely to be under such pressure, including where this pressure is caused by recurring arrivals by sea, including disembarkations following search and rescue operations or activities. Such measures should comprise applicants for international protection ~~that are not in the border procedure~~ or beneficiaries of international protection or measures in the field of strengthening of capacity in the field of asylum, ~~reception and return~~ and reception, or operational support, ~~or measures in the external dimension.~~		
29a		<u>(19a) Where the annual solidarity pool has not been used, in whole or in part, at the end of a one year</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>period, the anticipated solidarity contributions with regard to which no action has yet been taken as to their use should lapse.</u>		
Recital 20				
30	(20) In order to provide a timely response to the specific situation following disembarkations from search and rescue operations, the Commission, with the assistance of Union Agencies, should facilitate the swift relocation of eligible applicants for international protection who are not in the border procedure. Under the coordination of the Commission, the European Union Asylum Agency and the European Border and Coast Guard Agency should draw up the list of eligible persons to be relocated indicating the distribution of those persons among the contributing Member States.	(20) In order to provide a timely response to the ~~specific~~ situation ~~following disembarkations from search and rescue operations, the Commission, with the assistance of Union Agencies,~~ <u>of migratory pressure, the EU Relocation Coordinator</u> should ~~facilitate~~ <u>support</u> the swift relocation of eligible applicants for ~~international protection who are not in the border procedure. Under the coordination of the Commission, the European Union Asylum Agency and~~ <u>beneficiaries of international protection. The benefitting Member State, in close cooperation with the EU Relocation Coordinator</u> and the ~~European Border and Coast Guard~~ <u>contributing Member State and the Asylum</u> Agency, should draw up the list of eligible persons to be relocated indicating the distribution of those persons among the contributing Member States. <u>Applicants should be informed and consulted and should have the right to present relevant information in the procedure of determination of</u>	~~deleted~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>meaningful links.</u>		
Recital 21				
31	(21) Persons disembarked should be distributed in a proportionate manner among the Member States.	deleted	deleted	
Recital 22				
32	(22) The overall contribution of each Member State to the solidarity pool should be determined through indications by Member States of the measures by which they wish to contribute. Where Member States contributions are insufficient to provide for a sustainable solidarity response the Commission should be empowered to adopt an implementing act setting out the total number of third-country nationals to be covered by relocation and the share of this number for each Member State calculated according to a distribution key based on the population and the GDP of each Member State. Where the indications from Member States to take measures in the field of capacity or the external dimension would lead to a shortfall of greater than 30% of the total number of relocations identified in the Migration Management Report, the	(22) ~~The overall contribution of each Member State~~ <u>Member States' contributions</u> to the solidarity pool should be determined through indications by Member States of the measures by which they wish to contribute. Where Member States contributions are insufficient to provide for a sustainable solidarity response the Commission should be empowered to ~~adopt an implementing act setting out the total number of third-country nationals~~ <u>distribute the remaining needs</u> to be covered by relocation and the share of this number for each Member State calculated according to a ~~distribution~~ <u>reference</u> key based on the population and the GDP of each Member State. ~~Where the indications from Member States to take measures in the field of capacity or the external dimension would lead to a shortfall of greater than 30% of the total number of~~	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission should be able to adjust the contributions of these Member States which should then contribute half of their share identified according to the distribution key either by way or relocation, or when so indicated, through return sponsorship.	<i>relocations identified in the Migration Management Report, the Commission should be able to adjust the contributions of these Member States which should then contribute half of their share identified according to the distribution key either by way or relocation, or when so indicated, through return sponsorship.</i>		
Recital 23				
33	(23) In order to ensure that support measures are available at all times to address the specific situation of disembarkations from search and rescue operations, where the number of disembarkations following search and rescue operation have reached 80% of the solidarity pools for one or more of the benefitting Member States, the Commission should adopt amended implementing acts increasing the total number of contributions by 50%.	(23) In order to ensure that ~~support measures~~ <u>solidarity contributions</u> are available at all times ~~to address the specific situation of disembarkations from search and rescue operations, where the number of disembarkations following search and rescue operation have reached 80% of~~ the solidarity ~~pools for one or more of the benefitting Member States, the Commission~~ <u>forum</u> should adopt amended implementing acts increasing the total number of ~~contributions by 50%~~ <u>meet at least twice a year and as frequently as necessary</u> .	<i>deleted</i>	
Recital 24				
34	(24) The solidarity mechanism should also address situations of migratory pressure in particular for	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	those Member States which due to their geographical location are exposed to or likely to be exposed to migratory pressure. For this purpose, the Commission should adopt a report identifying whether a Member State is under migratory pressure and setting out the measures that could support that Member State in addressing the situation of migratory pressure.		PUBLIC	
Recital 25				
35	(25) When assessing whether a Member State is under migratory pressure the Commission, based on a broad qualitative assessment, should take account of a broad range of factors, including the number of asylum applicants, irregular border crossings, return decisions issued and enforced, and relations with relevant third countries. The solidarity response should be designed on a case-by-case basis in order to be tailor-made to the needs of the Member State in question.	(25) When assessing whether a Member State is under migratory pressure the Commission, based on a broad qualitative <u>and quantitative</u> assessment, should take account of a broad range of factors, including the <u>relevant recommendations provided by the Asylum Agency and information gathered pursuant to the Union Mechanism for Preparedness and Management of Crisis related to Migration including the</u> number of asylum applicants, irregular border crossings, return decisions issued and enforced, <u>transfer decisions issued and carried out, level of arrivals by sea including through disembarkations following search and rescue operations, vulnerabilities of asylum applicants and the capacity of a Member State</u>	(25) When assessing whether a Member State is under migratory pressure, at risk of migratory pressure or facing a significant migratory situation , the Commission, based on a broad quantitative and qualitative assessment, should take account of a broad range of factors, including the number of ~~asylum~~ applications for international protection [...] , irregular border crossings, ~~return decisions issued and enforced, and relations with relevant third countries.~~ The solidarity response should be designed on a case-by-case basis in order to be tailor-made to the needs of the Member State in question. unauthorised movements of third country nationals and stateless persons between the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>in managing its asylum and reception caseload</u> ~~and relations with relevant third countries~~ . The solidarity response should be designed on a case-by-case basis in order to be tailor-made to the needs of the Member State in question.	Member States, return decisions issued and enforced, the specificities stemming from the Member States' geographical location and relations with relevant third countries and possible situations of instrumentalisation of migrants. [...]	
Recital 26				
36	(26) Only persons who are more likely to have a right to stay in the Union should be relocated. Therefore, the scope of relocation of applicants for international protection should be limited to those who are not subject to the border procedure set out in Regulation (EU) XXX/XXX [Asylum Procedure Regulation].	<i>deleted</i>	<i>deleted</i>	
Recital 27				
37	(27) The solidarity mechanism should include measures to promote a fair sharing of responsibility and a balance of effort between Member States also in the area of return. Through return sponsorship, a Member State should commit to support a Member State under migratory pressure in carrying out the necessary activities to return	(27) The solidarity mechanism should include measures to ~~promote~~ <u>ensure</u> a fair sharing of responsibility and a balance of effort between Member States, also in the area of ~~return. Through return sponsorship, a Member State should commit to support a Member State under migratory pressure in carrying out the necessary activities~~	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	illegally staying third-country nationals, bearing in mind that the benefitting Member State remains responsible for carrying out the return while the individuals are present on its territory. Where such activities have been unsuccessful after a period of 8 months, the sponsoring Member States should transfer these persons in line with the procedures set out in this Regulation and apply Directive 2008/115/EC; if relevant, Member States may recognise the return decision issued by the benefitting Member State in application of Council Directive 2001/40¹. Return sponsorship should form part of the common EU system of returns, including operational support provided through the European Border and Coast Guard Agency and the application of the coordination mechanism to promote effective cooperation with third countries in the area of return and readmission. 1. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, OJ L 149, 2.6.2001, p. 34.	~~to return illegally staying third-country nationals, bearing in mind that~~<u>transfers within this Regulation.</u> ~~With the agreement of~~ the benefitting Member State ~~remains responsible for carrying out the return while the individuals are present on its territory. Where such activities have been unsuccessful after a period of 8 months, the sponsoring,~~ <u>a Member States</u><u>State</u> should ~~transfer these persons in line with the procedures set out in this Regulation and apply Directive 2008/115/EC; if relevant,~~<u>be able to commit to support a</u> Member ~~States~~ may recognise the return decision issued by the benefitting Member State in application of Council Directive 2001/40¹. Return sponsorship should form part of the common EU system of returns, including operational support provided through the European Border and Coast Guard Agency and the application of the coordination mechanism to promote effective cooperation with third countries in the area of return and readmission.<u>State under migratory pressure by taking responsibility for applications for international protections.</u> ~~1. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals,~~		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~OJ L 149, 2.6.2001, p. 34.~~		
Recital 28				
38	(28) Member States should notify the type of solidarity contributions that they will take through the completion of a solidarity response plan. Where Member States are themselves benefitting Member States they should not be obliged to make solidarity contributions to other Member States. At the same time, where a Member State has incurred a heavy migratory burden in previous years, due to a high number of applications for international protection it should be possible for a Member State to request a reduction of its share of the solidarity contribution to Member States under migratory pressure where such contribution consists of relocation or return sponsorship. That reduction should be shared proportionately among the other Member States taking such measures.	(28) Member States should notify the type of solidarity contributions that they will take through the completion of a solidarity response plan. Where Member States are themselves benefitting Member States they should not be obliged to make solidarity contributions to ~~other~~ Member States. At the same time, where a Member State has ~~incurred a heavy migratory burden in previous years, due to a high number~~ <u>examined twice the Union average per capita</u> of applications for international protection <u>over the preceding ten years,</u> it should be possible for a Member State to request a reduction of <u>10 % of</u> its share of the solidarity contribution to Member States under migratory pressure ~~where such contribution consists of relocation or return sponsorship.~~ That reduction should be shared proportionately among the other Member States taking such measures.	(28) A mechanism should be set out for the Member States should notify the type of solidarity contributions that they will take through the completion of identified in the Decision as being under migratory pressure or those that consider themselves as so being, to make use of the Solidarity response plan. Where Pool. Those Member States are themselves benefitting Member States they that have been identified in the Decision as being under pressure should not be obliged to make solidarity contributions to other Member States. At the same time, where a be able to do it in a simple manner by merely informing the Commission and the Council of its intention to use the Solidarity Pool, following which the Commission should convene the technical level Migration Forum. The Member State has incurred a heavy migratory burden in previous years, due to a high number of applications for international protection it should be possible for a Member State to request a reduction of its share of the solidarity contribution to States that consider	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			themselves as being under migratory pressure should, in order to make use of the Pool, provide a duly substantiated reasoning of the existence and extent of the migratory pressure and other relevant information in the form of notification which the Commission should expeditiously assess. Benefitting Member States under migratory pressure where such contribution consists of relocation or return sponsorship. That reduction should be shared proportionately among should endeavour to use the Pool in a reasonable and proportionate manner, taking into account solidarity needs of the other Member States taking such measures under migratory pressure. [...]	
Recital 28a				
38a			(28a) Where Member States are themselves benefitting Member States they should not be obliged to implement their pledged contributions to the Solidarity Pool [...]. At the same time, where a Member State is facing or considers itself as facing migratory pressure or a significant migratory situation, which might hinder its possibility to implement its pledged contribution due to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			challenges this Member State needs to address, it should be possible for that Member State to request a full or partial reduction of its pledged contribution [...].	
Recital 29				
39	(29) Where the Migration Management Report identifies needs in a Member State under migratory pressure in the field of capacity measures in asylum, reception and return or in the external dimension, contributing Member States should be able to make contributions to these needs instead of relocation or return sponsorship. In order to ensure that such contributions are in proportion to the share of the contributing Member State the Commission should be able to increase or decrease of such contributions in the implementing act. Where the indications from Member States to take measures in the field of capacity or the external dimension would lead to a shortfall greater than 30% of the required number of persons to be relocated or subject to return sponsorship, the Commission should be able to adjust the contributions of these Member States in order to ensure that they contribute half of their share to relocation or return sponsorship.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Recital 30</i>				
40	(30) In order to ensure a comprehensive and effective solidarity response and in order to give clarity to Member States receiving support, the Commission should adopt an implementing act specifying the contributions to be made by each Member State. Such contributions should always be based on the type of contributions indicated by the Member State concerned in the solidarity response plan, except where that Member State failed to submit one. In such cases, the measures set out in the implementing act for the Member State concerned should be determined by the Commission.	(30) In order to ensure a comprehensive and effective solidarity response and in order to give clarity to Member States receiving support, the Commission should adopt an implementing act specifying the <u>type and number of</u> contributions to be made by each Member State. Such contributions should ~~always~~ be based on the type of contributions indicated by the Member State concerned in the solidarity response plan, except where ~~that Member State failed to submit one~~ <u>the measures do not cover the identified need of the benefitting Member State</u> . In such cases, the measures set out in the implementing act for the Member State concerned should be determined by the Commission.	<i>deleted</i>	
<i>Recital 31</i>				
41	(31) A distribution key based on the size of the population and of the economy of the Member States should be applied as a point of reference for the operation of the solidarity mechanism enabling the determination of the overall contribution of each Member State.	<i>deleted</i>	(31) A distribution key based on the size of the population and of the economy of the Member States should be applied ~~as a point of reference~~ in accordance with the mandatory fair share principle [...] for the operation of the solidarity mechanism enabling the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			determination of the overall contribution of each Member State. In the operationalisation of the Solidarity Pool, contributing Member States should implement their pledges in proportion to their overall pledge, meaning that each time solidarity is drawn from the pool these Member States contribute according to their fair share. In order to safeguard the functioning of this Regulation, the contributing Member States should not be obliged to implement their solidarity pledges towards the benefitting Member State where the Commission has identified systemic shortcomings in that benefitting Member State with regard to the rules set out in Part III of this Regulation that could result in serious consequences for the functioning of this Regulation.	
Recital 31a				
41a			(31a) In addition to the Solidarity Pool, Member States, in particular when under migratory pressure or facing a significant migratory situation, as well as the Union, have at their disposal the Permanent EU Migration Support Toolbox. This Toolbox comprises measures that can assist in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			responding to the needs and alleviating pressure and which are foreseen in the Union acquis or policy tools. In order to ensure that all relevant tools are used effectively to respond to specific migratory challenges, the Commission should have the possibility to identify the necessary measures from the Toolbox, without prejudice to the relevant Union legislation where applicable. Member States should endeavour to use components of the Toolbox in conjunction with the Solidarity Pool.	
Recital 31b				
41b			(31b) Responsibility offsets should be introduced as a secondary level solidarity measure, pursuant to which the responsibility for examining an application is transferred to the contributing Member State, subject to whether or not the relocation pledges reach certain thresholds as set out in this Regulation. In certain circumstances, in order to provide sufficient predictability for the benefitting Member States, their application becomes mandatory. Contributions to solidarity through responsibility offsets should be counted as part of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			mandatory fair share of the contributing Member State. A system of guarantees should be established, to avoid to the extent possible, incentives for irregular migration into the Union, unauthorized movements of third country nationals and stateless persons between Member States and to support the smooth functioning of the rules for determining responsibility for examining applications for international protection.	
Recital 31c				
41c			(31c) While relocation should primarily apply to applicants for international protection, where priority might be given for those most vulnerable, its application should be kept flexible. Given its voluntary nature, contributing and benefitting Member States should have the possibility to express their preferences in terms of persons to be considered. Such preferences should be reasonable in light of the needs identified and the profiles available in the benefitting Member State in order to ensure that the pledged relocations can be effectively implemented.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 32				
42	(32) A Member State should be able to take, at its own initiative or at the request of another Member State, other solidarity measures on a voluntary basis to assist that Member State in addressing the migratory situation or to prevent migratory pressure. Those contributions should include measures aimed at strengthening the capacity of the Member State under pressure or at responding to migratory trends through cooperation with third countries. In addition, such solidarity measures should include relocation of third-country nationals that are in the border procedure as well as illegally staying third-country nationals. In order to incentivise voluntary solidarity, where Member States make voluntary contributions in the form of relocation or return sponsorship, those contributions should be taken into account in the implementing act provided for in respect of situations of migratory pressure.	(32) A Member State should be able to ~~take~~<u>make</u>, at its own initiative or at the request of another Member State, other ~~solidarity measures~~<u>contributions</u> on a voluntary basis to assist that Member State in addressing the migratory situation or to prevent migratory pressure. Those contributions ~~should~~<u>may</u> include ~~measures aimed at strengthening the capacity of the Member State under pressure or at responding to migratory trends through cooperation with third countries. In addition, such solidarity measures should include relocation of third-country nationals that are in the border procedure as well as illegally staying third-country nationals. In order to incentivise voluntary solidarity, where Member States make voluntary~~<u>relocations of applicants and beneficiaries of international protection and measures aimed at strengthening the capacity of the Member State in the field of asylum, reception, return and reintegration and operational support, including through cooperation with third countries. Those</u> contributions ~~in the form of relocation or return sponsorship, those~~<u>are without prejudice of the solidarity</u>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		contributions ~~should be taken into account~~ established in the implementing act ~~provided for in respect of situations of migratory pressure~~ .		
42a		<u>(32a) Union bodies, offices and agencies in the field of asylum and border and migration management should be able to provide support to the Member States and the Commission in implementing this Regulation by providing expertise and operational support as foreseen by their respective mandates.</u>		
Recital 33				
43	(33) The Common European Asylum System (CEAS) has been built progressively as a common area of protection based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 ('the Geneva Convention'), thus ensuring that no person is sent back to persecution, in compliance with the principle of non-refoulement. In this respect, and without the responsibility criteria laid down in	(33) The Common European Asylum System (CEAS) has been built progressively as a common area of protection based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 ('the Geneva Convention'), thus ensuring that no person is sent back to persecution, in compliance with the principle of non-refoulement. In this respect, and without the responsibility criteria laid down in	(33) The Common European Asylum System (CEAS) has been built progressively as a common area of protection based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 ('the Geneva Convention'), thus ensuring that no person is sent back to persecution, in compliance with the principle of non-refoulement . ~~non-refoulement~~ . In this respect, and without the responsibility criteria	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation being affected, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third-country nationals.	this Regulation being affected, Member States, ~~all respecting~~ <u>are responsible for upholding human rights and</u> the principle of non-refoulement, <u>and as such</u> are considered as safe countries for third-country nationals.	laid down in this Regulation being affected, Member States, all respecting the principle of ~~non-refoulement~~ <u>non-refoulement</u> , are considered as safe countries for third-country nationals.	
Recital 34				
44	(34) It is appropriate that a clear and workable method for determining the Member State responsible for the examination of an application for international protection should be included in the Common European Asylum System¹. That method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for granting international protection and not to compromise the objective of the rapid processing of applications for international protection. ¹. As set out by the European Council at its special meeting in Tampere on 15 and 16 October 1999.	(34) It is appropriate that a clear and workable method for determining the Member State responsible for the examination of an application for international protection should be included in the Common European Asylum System¹. That method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible <u>and with which applicants have meaningful links as set out in this Regulation</u>, so as to guarantee <u>swift and</u> effective access to the <u>fair and efficient</u> procedures for granting international protection and not to compromise the objective of the rapid <u>and fair</u> processing of applications for international protection. <u>Member State should provide applicants with all the relevant information regarding the application of this Regulation in a language that they</u>	(34) It is appropriate that a clear and workable method for determining the Member State responsible for the examination of an application for international protection should be included in the Common European Asylum System¹. That method should be based on objective, fair criteria both for the Member States and for the persons concerned. It should, in particular, make it possible to determine rapidly the Member State responsible, so as to guarantee effective access to the procedures for granting international protection and not to compromise the objective of the rapid processing of applications for international protection. ¹. As set out by the European Council at its special meeting in Tampere on 15 and 16 October 1999.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>understand¹</u> . 1. As set out by the European Council at its special meeting in Tampere on 15 and 16 October 1999.		
44a		<u>(34a) In order to increase understanding of the CEAS and solidarity provided under this Regulation, it is necessary to improve the provision of information. Investing in the early provision of accessible information will greatly increase the likelihood that persons concerned by this regulation will understand the procedures linked to it. The Asylum Agency should in this regard develop suitable information material, in close cooperation with national authorities. That agency should also develop audio-visual information material complementary to written information material. The information material should be translated and made available in different languages.</u>		
Recital 35				
45	(35) This Regulation should be based on the principles underlying	(35) This Regulation should be based on the principles underlying	(35) This Regulation should be ~~be~~ based build [...] on the principles	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ while developing the principle of solidarity and fair sharing of responsibility as part of the common framework. To that end, a new solidarity mechanism should enable a strengthened preparedness of Member States to manage migration, to address situations where Member States are faced with migratory pressure and to facilitate regular solidarity support among Member States. 1. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31.	Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ ~~while developing~~<u>and</u> the principle of solidarity and fair sharing of responsibility as part of the common framework, <u>in line with Article 80 of TFEU</u>. To that end, ~~the~~ new solidarity mechanism should enable a strengthened preparedness of Member States to manage migration, to address situations where Member States are faced with migratory pressure and to facilitate regular solidarity support among Member States. <u>The effective implementation of such solidarity contributions is a key prerequisite to the functioning of the whole CEAS.</u> 1. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31.	underlying Regulation (EU) No 604/2013 of the European Parliament and of the Council¹ while addressing the challenges identified and developing the principle of solidarity and fair sharing of responsibility as part of the common framework. To that end, a new mandatory solidarity mechanism should enable a strengthened preparedness of Member States to manage migration, to address situations where Member States are faced with migratory pressure and to facilitate regular solidarity support among Member States. 1. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31.	
Recital 36				
46	(36) This Regulation should apply to applicants for subsidiary protection and persons eligible for subsidiary protection in order to ensure equal treatment for all	(36) This Regulation should apply to applicants for subsidiary protection and persons eligible for subsidiary protection in order to ensure equal treatment for all	(36) This Regulation should apply to applicants for subsidiary protection and persons eligible for subsidiary protection in order to ensure equal treatment for all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicants and beneficiaries of international protection, and consistency with the current Union asylum acquis, in particular with Regulation (EU) XXX/XXX [Qualification Regulation].	applicants and beneficiaries of international protection, and consistency with the current Union asylum acquis, in particular with Regulation (EU) XXX/XXX [Qualification Regulation].	applicants and beneficiaries of international protection, and consistency with the current Union asylum acquis, in particular with Regulation (EU) XXX/XXX [Qualification Regulation].	
Recital 37				
47	(37) Persons granted immediate protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration] should continue to be considered as applicants for international protection, in view of their pending (suspended) application for international protection within the meaning of Regulation (EU) XXX/XXX [Asylum Procedure Regulation]. As such, they should fall under the scope of this Regulation and be considered as applicants for the purpose of applying the criteria and mechanisms for determining the Member State responsible for examining their applications for international protection or the procedure for relocation as set out in this Regulation.	<i>deleted</i>	(37) [Persons granted immediate protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration Regulation addressing situations of crisis and force majeure in the field of asylum and migration] should continue to be considered as applicants for international protection, in view of their pending (suspended) application for international protection within the meaning of Regulation (EU) XXX/XXX [Asylum Procedure Regulation Asylum Procedure Regulation]. As such, they should fall under the scope of this Regulation and be considered as applicants for the purpose of applying the criteria and mechanisms for determining the Member State responsible for examining their applications for international protection or the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			procedure for relocation as set out in this Regulation.]	
Recital 38				
48	(38) In order to limit unauthorised movements and to ensure that the Member States have the necessary tools to ensure transfers of beneficiaries of international protection who entered the territory of another Member State than the Member State responsible without fulfilling the conditions of stay in that other Member State to the Member State responsible, and to ensure effective solidarity between Member States, this Regulation should also apply to beneficiaries of international protection. Likewise, this Regulation should apply to persons resettled or admitted by a Member State in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or who are granted international protection or humanitarian status under a national resettlement scheme.	(38) ~~In order to limit unauthorised movements and~~ To ensure that the Member States have the necessary tools to ensure transfers of beneficiaries of international protection who entered the territory of another Member State ~~than the Member State responsible~~ without fulfilling the conditions of stay ~~in that other Member State to the Member State responsible~~ , and to ensure effective solidarity between Member States, this Regulation should also apply to beneficiaries of international protection. Likewise, this Regulation should apply to persons resettled or admitted by a Member State in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or who are granted international protection or humanitarian status under a national resettlement scheme.	(38) In order to limit unauthorised movements and to ensure that the Member States have the necessary tools to ensure transfers of beneficiaries of international protection who entered the territory of another Member State than the Member State responsible without fulfilling the conditions of stay in that other Member State to of third country nationals and stateless persons between the Member State responsible, and to ensure effective solidarity between Member States, this Regulation should also apply to beneficiaries of international protection. Likewise [...], this Regulation should apply to persons resettled or admitted by a Member State in accordance with Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation ~~Union Resettlement Framework Regulation~~] or who are granted international protection or humanitarian status under a national resettlement scheme.	
Recital 39				
49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(39) At the same time, and given the importance of facilitating the full integration of beneficiaries of international protection in the Member State of residence, the prospect of obtaining long-term resident status in a shorter period of time should be provided for. Beneficiaries of international protection should be able to obtain long-term resident status in the Member State which granted them international protection after three years of legal and continuous residence in that Member State. As regards other conditions to obtain the status, beneficiaries of international protection should be required to fulfil the same conditions as other third-country nationals. Council Directive 2003/109/EC¹ should therefore be amended accordingly. 1. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 016, 23.1.2004, p. 44.	(39) ~~At the same time, and~~ Given the importance of facilitating the full integration of beneficiaries of international protection in the Member State of residence, the prospect of obtaining long-term resident status in a shorter period of time should be provided for. Beneficiaries of international protection, <u>as well as beneficiaries of protection under the 1954 Convention Relating to Stateless Persons</u>, should be able to obtain long-term resident status in the Member State which granted them international protection after three years of legal and continuous residence in that Member State. As regards other conditions to obtain the status, beneficiaries of international protection should be required to fulfil the same conditions as other third-country nationals. Council Directive 2003/109/EC¹ should therefore be amended accordingly. 1. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 016, 23.1.2004, p. 44.	<i>deleted</i>	
Recital 40				
50	(40) For reasons of efficiency and legal certainty, it is essential that the	(40) For reasons of efficiency and legal ~~certainly~~<u>certainty</u>, it is	(40) For reasons of efficiency and legal certainty, it is essential that the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation is based on the principle that responsibility is determined only once, unless the person concerned has left the territory of the Member States in compliance with a return decision or removal order.	essential that the Regulation is based on the principle that responsibility is determined only once, unless the person concerned has left the territory of the Member States in compliance with a return decision or removal order.	Regulation is based on the principle that responsibility is determined only once, unless the person concerned has left the territory of the Member States in compliance with a return decision or removal order.	
Recital 41				
51	(41) Directive XXX/XXX/EU [Reception Conditions Directive] of the European Parliament and of the Council¹ should apply to the procedure for the determination of the Member State responsible as regulated under this Regulation, subject to the limitations in the application of that Directive. 1. Directive XXX/XXX/EU (full text)	(41) Directive XXX/XXX/EU [Reception Conditions Directive] of the European Parliament and of the Council¹ should apply to ~~the procedure for the determination of the Member State responsible as~~ <u>all procedures</u> regulated under this Regulation, subject to the limitations in the application of that Directive. 1. Directive XXX/XXX/EU (full text)	(41) Directive XXX/XXX/EU [Reception Conditions Directive ~~Reception Conditions Directive~~] of the European Parliament and of the Council¹ should apply to the procedure for the determination of the Member State responsible as regulated under this Regulation, subject to the limitations in the application of that Directive. 1. Directive XXX/XXX/EU (full text)	
Recital 42				
52	(42) Regulation (EU) XXX/XXX [Asylum Procedure Regulation] of the European Parliament and of the Council¹ should apply in addition and without prejudice to the provisions concerning the procedural safeguards regulated under this Regulation, subject to the limitations in the application of that Regulation. _____	(42) Regulation (EU) XXX/XXX [Asylum Procedure Regulation] of the European Parliament and of the Council¹ should apply in addition and without prejudice to the provisions concerning the procedural safeguards regulated under this Regulation, subject to the limitations in the application of that Regulation. _____	(42) Regulation (EU) XXX/XXX [Asylum Procedure Regulation ~~Asylum Procedure Regulation~~] of the European Parliament and of the Council¹ should apply in addition and without prejudice to the provisions concerning the procedural safeguards regulated under this Regulation, subject to the limitations	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Directive XXX/XXX/EU (full text)	1. Directive XXX/XXX/EU (full text)	in the application of that Regulation. ~~1. Directive XXX/XXX/EU~~ Regulation (EU) XXX/XXX (full text)	
Recital 43				
53	(43) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation. In assessing the best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.	(43) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation. ~~In assessing the best interests~~ <u>Member States should carry out an individual assessment</u> of the ~~child, Member States should, in particular, take~~ <u>best interest of the child, taking</u> due account of the minor's well-being and social development, safety and security considerations <u>in the short, medium and long term</u> , and the views of the minor in accordance with his or her age and maturity, including his or her background. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability, <u>including the appointment of an independent guardian and access to free legal assistance</u> .	(43) In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States when applying this Regulation. In assessing the best interests of the child, Member States should, in particular, take due account of the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity, including his or her background. In addition, specific procedural guarantees for unaccompanied minors should be laid down on account of their particular vulnerability.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
53a		<u>(43a) Staff who deal with requests concerning unaccompanied minors should have received and continue to receive, appropriate training on the rights of the child and child psychology and development, and on risk assessment to target care and protection depending on the individual needs of the minor, with a specific focus on early identification of victims of trafficking in human beings and of abuse as well as training on good practices to prevent disappearance.</u>		
Recital 44				
54	(44) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the Charter of Fundamental Rights of the European Union, respect for family life should be a primary consideration of Member States when applying this Regulation.	(44) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the Charter of Fundamental Rights of the European Union, respect for <u>private and</u> family life, <u>as well as for the principle of non-discrimination</u> should be a primary consideration of Member States when applying this Regulation.	(44) In accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the Charter of Fundamental Rights of the European Union, respect for family life should be a primary consideration of Member States when applying this Regulation.	
54a		<u>(44a) In applying this Regulation, Member States should respect their</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>international obligations towards stateless persons, including under the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954, and in accordance with other international human rights law instruments. Where necessary, the treatment of stateless persons should be distinguished from third-country nationals with due consideration to their particular protection needs.</u>		
Recital 45				
55	(45) In order to prevent that persons who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member State where an application is first registered does not apply the responsibility criteria or the benefitting Member State does not apply the relocation procedure where there are reasonable grounds to consider the person concerned a danger to national security or public order.	(45) In order to prevent ~~that~~ persons who represent a security risk ~~are from being~~ transferred among the Member States, it is necessary to ensure that the Member State where an application is first registered does not apply the ~~responsibility~~ <u>responsibility</u> criteria or the benefitting Member State does not apply the relocation procedure where there are reasonable grounds to consider the person concerned a ~~danger to national security or public order~~ <u>threat to internal security</u> .	(45) In order to prevent that persons who represent a security risk are transferred among the Member States, it is necessary to ensure that the Member State where an application is first registered does not apply the responsibility criteria or the benefitting Member State does not apply the relocation procedure where there are reasonable grounds to consider ~~that the person concerned a danger to national security or public order~~ that the person poses a security or public order risk [...] .	
Recital 46				
56	(46) The processing together of the applications for international	(46) <u>In order to ensure family unity</u> , the processing together of the	(46) The processing together of the applications for international	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	protection of the members of one family by a single Member State should make it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated.	applications for international protection of the members of one family by a single Member State should make it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated, <u>with a view also to promoting integration and reduce unauthorised movements. This should be without prejudice to the right of an applicant to lodge an application individually.</u>	protection of the members of one family by a single Member State should make it possible to ensure that the applications are examined thoroughly, the decisions taken in respect of them are consistent and the members of one family are not separated.	
Recital 47				
57	(47) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements. The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and	(47) The definition of a family member in this Regulation should include the sibling or siblings of the applicant. ~~Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements.~~ The scope of the definition of family member should also reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, ~~but before their arrival on the territory of the Member State.~~ This limited	(47) ~~The definition of a family member in this Regulation should include the sibling or siblings of the applicant. Reuniting siblings is of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements.~~ The scope of the definition of family member should ~~also~~ reflect the reality of current migratory trends, according to which applicants often arrive to the territory of the Member States after a prolonged period of time in transit. The definition should therefore include families formed outside the country of origin, but before their arrival on the territory of the Member State. This limited and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	targeted enlargement of the scope of the definition is expected to reduce the incentive for some unauthorised movements of asylum seekers within the EU.	and targeted enlargement of the scope of the definition is ~~expected to reduce the incentive for some unauthorised movements of asylum seekers~~ <u>of particular importance for improving the chances of integration of applicants and hence reducing unauthorised movements</u> within the EU.	targeted enlargement of the scope of the definition is expected to reduce the incentive for some unauthorised movements of asylum seekers within the EU. [...]	
Recital 48				
58	(48) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should be a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage unauthorised movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor's application	(48) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent, <u>including</u> on account of the applicant's pregnancy or maternity, state of health or old age, should be a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. ~~In order to discourage unauthorised movements of unaccompanied minors, which are not in their best interests,~~ <u>if it is in the best interest of the minor.</u> In the absence of a family member or a relative, the Member State responsible should be that where the	(48) In order to ensure full respect for the principle of family unity and for the best interests of the child, the existence of a relationship of dependency between an applicant and his or her child, sibling or parent on account of the applicant's pregnancy or maternity, state of health or old age, should be a binding responsibility criterion. When the applicant is an unaccompanied minor, the presence of a family member or relative on the territory of another Member State who can take care of him or her should also become a binding responsibility criterion. In order to discourage unauthorised movements of unaccompanied minors, which are not in their best interests, in the absence of a family member or a relative, the Member State responsible should be that where the unaccompanied minor's application	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for international protection was first registered, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his or her best interests by staff with the necessary qualifications and expertise.	unaccompanied minor ~~'s application for international protection was first registered,~~ <u>is present</u> unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a ~~representative or representatives~~ <u>guardian</u> tasked with safeguarding respect for all the rights to which they are entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his or her best interests by staff with the necessary qualifications, <u>training,</u> ~~and~~ expertise <u>and independence.</u>	for international protection was first registered, unless it is demonstrated that this would not be in the best interests of the child. Before transferring an unaccompanied minor to another Member State, the transferring Member State should make sure that that Member State will take all necessary and appropriate measures to ensure the adequate protection of the child, and in particular the prompt appointment of a representative or representatives tasked with safeguarding respect for all the rights to which ~~they are~~ <u>the child is [...]</u> entitled. Any decision to transfer an unaccompanied minor should be preceded by an assessment of his or her best interests by staff with the necessary qualifications and expertise.	
Recital 49				
59	(49) The rules on evidence should allow for a swifter family reunification than until now. It is therefore necessary to clarify that formal proof, such as original documentary evidence and DNA testing, should not be necessary in cases where the circumstantial evidence is coherent, verifiable and	(49) The rules on evidence should allow for a swifter family reunification than until now. It is therefore necessary to clarify that formal proof, such as original documentary evidence and DNA testing, should not be necessary in cases where the circumstantial evidence is coherent, verifiable and	(49) The rules on evidence should allow for a swifter family reunification than until now. It is therefore necessary to clarify that formal proof, such as original documentary evidence and DNA testing, should not be necessary in cases where the circumstantial evidence is coherent, verifiable and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sufficiently detailed to establish responsibility for examining an application for international protection.	sufficiently detailed to establish responsibility for examining an application for international protection. <u>Member States' authorities should consider all available evidence including photos, proof of contact and witness statements to make a fair appraisal of the relationship. A light procedure should be envisaged to ensure swift family reunification and access to the asylum procedures for applicants where there are sufficient indicators that they are likely to have the right to family reunification.</u>	sufficiently detailed to establish responsibility for examining an application for international protection.	
Recital 50				
60	(50) Where persons are in possession of a diploma or other qualification, the Member State where the diploma was issued should be responsible for examining their application. This would ensure a swift examination of the application in the Member State with which the applicant has meaningful links based on such a diploma.	(50) Where persons are in possession of a diploma or other qualification, the Member State where the diploma was issued should be responsible for examining their application. This would ensure a swift examination of the application in the Member State with which the applicant has meaningful links based on such a diploma. <u>Without prejudice to online training following restrictions imposed by Member States, online training or other forms of distance learning should not be considered to be relevant.</u>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Recital 51</i>				
61	(51) Considering that a Member State should remain responsible for a person who has irregularly entered its territory, it is also necessary to include the situation when the person enters the territory following a search and rescue operation. A derogation from this responsibility criterion should be laid down for the situation where a Member State has relocated persons having crossed the external border of another Member State irregularly or following a search and rescue operation. In such a situation, the Member State of relocation should be responsible if the person applies for international protection.	<i>deleted</i>	(51) Considering that a Member State should remain responsible for a person who has irregularly entered its territory, it is also necessary to include the situation when the person enters the territory following a search and rescue operation. A derogation from this responsibility criterion should be laid down for the situation where a Member State has relocated persons having crossed the external border of another Member State irregularly or following a search and rescue operation. In such a situation, the Member State of relocation should be ~~responsible~~ responsible if the person applies for international protection.	
<i>Recital 52</i>				
62	(52) Any Member State should be able to derogate from the responsibility criteria in particular on humanitarian and compassionate grounds, in order to bring together family members, relatives or any other family relations and examine an application for international protection registered with it or with another Member State, even if such examination is not its responsibility under the binding criteria laid down	(52) Any Member State should be able to derogate <u>at its own discretion</u> from the responsibility criteria in particular on humanitarian and compassionate grounds, in order to bring together family members, relatives or any other family relations <u>or to support a Member State under migratory pressure</u> and examine an application for international protection registered with it or with another Member	(52) Any Member State should be able to derogate from the responsibility criteria in particular on humanitarian, social, cultural and compassionate grounds, in order to bring together family members, relatives or any other family relations and examine an application for international protection registered with it or with another Member State, even if such examination is not its responsibility	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in this Regulation.	State, even if such examination is not its responsibility under the binding criteria laid down in this Regulation.	under the binding criteria laid down in this Regulation.	
Recital 53				
63	(53) In order to ensure that the procedures set out in this Regulation are respected and to prevent obstacles to the efficient application of this Regulation, in particular in order to avoid absconding and unauthorised movements between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered.	(53) In order to ensure that the procedures set out in this Regulation are respected and to prevent obstacles to the efficient application of this Regulation, in particular in order to avoid absconding and unauthorised movements between Member States, it is necessary to establish clear obligations to be complied with by the <u>Member State and the</u> applicant in the context of the procedure, of which ~~he or she~~<u>the applicant</u> should be duly informed in a timely manner. ~~Violation of those~~<u>Information to applicants about rights and</u> legal obligations should ~~lead to appropriate and proportionate procedural consequences for~~<u>be provided in writing and, where necessary, also orally in a concise and transparent manner and, when</u> the applicant ~~and to appropriate and proportionate consequences in terms of his or her reception conditions~~<u>is a minor, in a child-friendly manner. Applicants should fully cooperate with the competent authorities of the Member States in matters covered</u>	(53) In order to ensure that the procedures set out in this Regulation are respected and to prevent obstacles to the efficient application of this Regulation, in particular in order to avoid absconding and unauthorised movements of third country nationals and stateless persons between Member States, it is necessary to establish clear obligations to be complied with by the applicant in the context of the procedure, of which he or she should be duly informed in a timely manner. Violation of those legal obligations should lead to appropriate and proportionate procedural consequences for the applicant and to appropriate and proportionate consequences in terms of his or her reception conditions. In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>by this Regulation and they should be duly informed of the requirements and of the consequences of non-compliance.</u> In line with the Charter of Fundamental Rights of the European Union, the Member State where such an applicant is present should in any case ensure that the immediate material needs of that person are covered.	PUBLIC	
Recital 54				
64	(54) In order to limit the possibility for applicants' behaviour to lead to the cessation or shift of responsibility to another Member State, rules allowing for cessation or shift of responsibility where the person leaves the territory of the Member States for at least three months during examination of the application or absconds to evade a transfer to the Member State responsible for more than 18 months should be deleted. The shift of responsibility when the time limit for sending a take back notification has not been respected by the notifying Member State should also be removed in order to discourage circumventing the rules and obstruction of procedure. In situations where a person has entered a Member State irregularly	deleted	(54) In order to limit the possibility for applicants' behaviour to lead to the cessation or shift of responsibility to another Member State, ~~rules allowing for the time limits leading to [...]~~ cessation or shift of responsibility where the person leaves the territory of the Member States for at least ~~three~~ nine [...] months during ~~the~~ examination of the application or absconds to evade a transfer to the Member State responsible for more than 18 months should be ~~deleted~~ extended. In addition, the shift of responsibility when the time limit for sending a take back notification has not been respected by the notifying Member State should ~~also~~ [...] be removed in order to discourage circumventing the rules and obstruction of procedure. In situations where a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	without applying for asylum, the period after which the responsibility of that Member State ceases and another Member State where that person subsequently applies becomes responsible should be extended, to further incentivise persons to comply with the rules and apply in the first Member State of entry and hence limit unauthorised movements and increase the overall efficiency of the CEAS.		person has entered a Member State irregularly without applying for asylum, the period after which the responsibility of that Member State ceases and another Member State where that person subsequently applies becomes responsible should be extended, to further incentivise persons to comply with the rules and apply in the first Member State of entry and hence limit unauthorised movements of third country nationals and stateless persons between Member States and increase the overall efficiency of the CEAS.	
Recital 55				
65	(55) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the applicant has absconded, has not attended the interview without justified reasons or the information provided by the applicant is sufficient for determining the Member State responsible. As soon as the application for international protection is registered, the applicant should be informed in particular of the application of this Regulation, the fact that the Member State	(55) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the applicant has absconded <u>and is not available to the authorities</u> , has not attended the interview without justified reasons or the information provided by the applicant is sufficient for determining the Member State responsible <u>and the applicant does not request to be heard</u> . As soon as the application for international protection is registered, the applicant should be informed in	(55) A personal interview with the applicant should be organised in order to facilitate the determination of the Member State responsible for examining an application for international protection unless the applicant has absconded, has not attended the interview without justified reasons or the information provided by the applicant is sufficient for determining the Member State responsible. As soon as the application for international protection is registered, the applicant should be informed in particular of the application of this Regulation, the fact that the Member State	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsible for examining his or her application for international protection is based on objective criteria, of his or her rights as well as of the obligations under this Regulation and of the consequences of not complying with them.	particular of the application of this Regulation, the fact that the Member State responsible for examining his or her application for international protection is based on objective criteria, of his or her rights as well as of the <u>his or her</u> obligations under this Regulation and of the consequences of not complying with them. <u>The information should be provided in a language that the applicant understands and can communicate in, in a concise and easily accessible form, using clear and plain language.</u>	responsible for examining his or her application for international protection is based on objective criteria, of his or her rights as well as of the obligations under this Regulation and of the consequences of not complying with them.	
65a		<u>(55a) The person conducting the interview should have received sufficient training to take account of the personal and general circumstances of the applicant, including their cultural origin, age, gender, sexual orientation, gender identity and vulnerability. Staff interviewing applicants should also have acquired general knowledge and possess awareness of issues which could adversely affect the applicant's ability to be interviewed, such as indicators that the person may have been the victim of torture or gender-based violence in the past.</u>		

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
65b		<u>(55b) In accordance with Directive 2011/36/EU¹, particular attention should be paid to identifying victims of trafficking in human beings, in order to offer protection and prevent them for being trafficked further into the Union.</u> <u>1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).</u>		
Recital 56				
66	(56) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State	(56) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State	(56) In order to guarantee effective protection of the rights of the persons concerned, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers to the Member State responsible should be established, in accordance, in particular, with Article 47 of the Charter of Fundamental Rights of the European Union. In order to ensure that international law is respected, an effective remedy against such decisions should cover both the examination of the application of this Regulation and of the legal and factual situation in the Member State	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to which the applicant is transferred. The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.	to which the applicant is transferred. ~~The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.~~	to which the applicant is transferred. The scope of the effective remedy should be limited to an assessment of whether applicants' fundamental rights to respect of family life, the rights of the child, or the prohibition of inhuman and degrading treatment risk to be infringed upon.	
Recital 57				
67	(57) In order to facilitate the smooth application of this Regulation, Member States should in all cases indicate the Member State responsible in Eurodac after having concluded the procedures for determining the Member State responsible, including in cases where the responsibility results from the failure to respect the time limits for sending or replying to take charge requests, carrying a transfer, as well as in cases where the Member State of first application becomes responsible or it is impossible to carry out the transfer to the Member State primarily responsible due to systemic deficiencies resulting in a risk of inhuman or degrading treatment and subsequently another Member State is determined as responsible.	(57) In order to facilitate the smooth application of this Regulation, Member States should in all cases indicate the Member State responsible in Eurodac after having concluded the procedures for determining the Member State responsible, including in cases where the responsibility results from the failure to respect the time limits for sending or replying to take charge requests, carrying <u>out</u> a transfer, as well as in cases <u>of relocation or</u> where the Member State of first application becomes responsible or it is impossible to carry out the transfer to the Member State primarily responsible due to <u>a real risk of violations of the applicant's fundamental rights or</u> systemic deficiencies resulting in a risk of inhuman or degrading treatment and subsequently another Member State is determined as ~~reponsible~~ <u>responsible</u> .	(57) In order to facilitate the smooth application of this Regulation, Member States should in all cases indicate the Member State responsible in Eurodac after having concluded the procedures for determining the Member State responsible, including in cases where the responsibility results from the failure to respect the time limits for sending or replying to take charge requests, carrying <u>out</u> a transfer, as well as in cases where the Member State of first application becomes responsible or it is impossible to carry out the transfer to the Member State primarily responsible due to systemic deficiencies resulting in a risk of inhuman or degrading treatment and subsequently another Member State is determined as ~~reponsible~~ <u>responsible</u> .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 58				
68	(58) In order to ensure the speedy determination of responsibility, the deadlines for making and replying to requests to take charge, for making take back notifications, as well as for making and deciding on appeals, should be streamlined and shortened.	(58) In order to ensure the speedy determination of responsibility, the deadlines for making and replying to requests to take charge, for making take back ~~notifications~~ requests, as well as for making and deciding on appeals, should be streamlined and shortened, <u>to the greatest extent possible, while respecting the fundamental rights of applicants. The transfer and relocation of applicants with specific reception or procedural needs should be prioritised.</u>	(58) In order to ensure the speedy determination of responsibility, the deadlines for making and replying to requests to take charge, for making take back notifications, as well as for making and deciding on appeals, should be streamlined and shortened.	
Recital 59				
69	(59) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality thereby only being allowed as a measure of last resort. In particular, the detention of applicants must be in accordance with Article 31 of the Geneva Convention. The procedures	(59) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality thereby only being allowed as a measure of last resort. ~~In particular~~ <u>Minors, as a rule, should not be detained and efforts should be made to place them in accommodation with</u>	(59) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection. Detention should be for as short a period as possible and subject to the principles of necessity and proportionality thereby only being allowed as a measure of last resort. In particular, the detention of applicants must be in accordance with Article 31 of the Geneva Convention. The procedures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive XXX/XXX/EU [Reception Conditions Directive] also to persons detained on the basis of this Regulation.	<u>special provisions for minors</u> . The detention of applicants must be in accordance with Article 31 of the Geneva Convention. The procedures provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive XXX/XXX/EU [Reception Conditions Directive] also to persons detained on the basis of this Regulation.	provided for under this Regulation in respect of a detained person should be applied as a matter of priority, within the shortest possible deadlines. As regards the general guarantees governing detention, as well as detention conditions, where appropriate, Member States should apply the provisions of Directive XXX/XXX/EU [~~Reception Conditions Directive~~ Reception Conditions Directive] also to persons detained on the basis of this Regulation.	
Recital 60				
70	(60) Deficiencies in, or the collapse of, asylum systems, often aggravated or contributed to by particular pressures on them, can jeopardise the smooth functioning of the system put in place under this Regulation, which could lead to a risk of a violation of the rights of applicants as set out in the Union asylum acquis and the Charter of Fundamental Rights of the European Union, other international human rights and refugee rights.	(60) Deficiencies in, or the collapse of, asylum systems, often aggravated or contributed to by particular pressures on them, can jeopardise the smooth functioning of the system put in place under this Regulation, which could lead to a risk of a violation of the rights of applicants as set out in the Union asylum acquis and the Charter of Fundamental Rights of the European Union, other international human rights and refugee rights.	(60) Deficiencies in, or the collapse of, asylum systems, often aggravated or contributed to by particular pressures on them, can jeopardise the smooth functioning of the system put in place under this Regulation, which could lead to a risk of a violation of the rights of applicants as set out in the Union asylum acquis and the Charter of Fundamental Rights of the European Union, other international human rights and refugee rights.	
Recital 61				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
71	(61) In accordance with Commission Regulation (EC) No 1560/2003¹, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the person concerned and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds. ¹ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 222, 5.9.2003, p. 3.	(61) In accordance with Commission Regulation (EC) No 1560/2003¹, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the person concerned and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds. ¹ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 222, 5.9.2003, p. 3.	(61) In accordance with Commission Regulation (EC) No 1560/2003¹, transfers to the Member State responsible for examining an application for international protection may be carried out on a voluntary basis, by supervised departure or under escort. Member States should promote voluntary transfers by providing adequate information to the person concerned and should ensure that supervised or escorted transfers are undertaken in a humane manner, in full compliance with fundamental rights and respect for human dignity, as well as the best interests of the child and taking utmost account of developments in the relevant case law, in particular as regards transfers on humanitarian grounds. ¹ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 222, 5.9.2003, p. 3.	
Recital 61a				
71a			(61a) In certain situations, Member States should be able to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			share specific information relevant for the examination of an application for international protection without the consent of an applicant where such information is necessary for the competent authorities of the Member State responsible to carry out their obligations, in particular those stemming from Regulation (EU) XXX/XXX [Asylum Procedure Regulation].	
Recital 62				
72	(62) In order to ensure a clear and efficient relocation procedure, specific rules for a benefitting and a contributing Member State should be set out. The rules and safeguards relating to transfers set out in this Regulation should apply to transfers for the purpose of relocation except where they are not relevant for such a procedure.	(62) In order to ensure a clear and efficient relocation procedure, specific <u>binding</u> rules for a benefitting and a contributing Member State should be set out. The rules and safeguards relating to transfers set out in this Regulation should apply to transfers for the purpose of relocation ~~except where they are not relevant for such a procedure.~~	(62) In order to ensure a clear and efficient relocation procedure, specific rules for a benefitting and a contributing Member State should be set out. The rules and safeguards relating to transfers set out in this Regulation should apply to transfers for the purpose of relocation except where they are not relevant for such a procedure.	
Recital 63				
73	(63) To support Member States who undertake relocation as a solidarity measure, financial support from the Union budget should be provided. In order to incentivise Member States to give priority to the relocation of	(63) ~~To support~~ <u>Where</u> Member States ~~who~~ undertake relocation as a solidarity ~~measure~~ <u>contribution</u> , <u>appropriate and proportionate</u> financial support from the Union budget should be provided. In order	(63) To support Member States who undertake relocation as a solidarity measure, financial support from the Union budget should be provided. In order to incentivise Member States to give priority to the relocation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	unaccompanied minors a higher incentive contribution should be provided.	to incentivise Member States to give priority to the relocation of unaccompanied minors a higher incentive contribution should be provided.	unaccompanied minors a higher incentive contribution should be provided.	
Recital 63a				
73a		<u>(63a) Member States should take into account the support offered by cities and regions, as relocation and integration relies to a large extent on those actors. They are key players in the achievement of meaningful solidarity and successful relocation and integration trajectories. To that end, Member States should take measures to support local and regional authorities, such as by providing them with financial support, information, technical support, and by reducing unnecessary administrative barriers.</u>	(63a) The resources of the Asylum, Migration and Integration Fund, as established by the Regulation (EU) 2021/1147, and other relevant Union Funds, can be mobilised to provide support to Member States' efforts in applying this Regulation, in line with the rules governing the use of the relevant Fund and without prejudice to other priorities underpinned by the Fund. In this context, Member States will be able to make use of the allocations under their respective programmes, including the amounts that will be made available following the mid-term review. In particular, actions undertaken by Member States for putting in place adequate capacity for carrying out the border procedure can be supported financially by the Union Funds, made available under the 2021-2027 Multiannual Financial Framework. Additional support under the Thematic Facilities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			would be made available, in particular to those Member States which may need to increase their capacities at the borders or are faced with specific pressures or needs on their asylum and reception systems and on their borders.	
Recital 64				
74	(64) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of take charge requests or take back notifications, or establishing procedures for the performance of transfers.	(64) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States ~~for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of take charge requests or take back notifications, or establishing procedures for the performance of transfers~~ <u>in order to carry out transfers more efficiently. Such arrangements may include improving communication between competent departments, or reducing time limits and simplifying procedures.</u>	(64) The application of this Regulation can be facilitated, and its effectiveness increased, by bilateral arrangements between Member States for improving communication between competent departments, reducing time limits for procedures or simplifying the processing of take charge requests or take back notifications, or establishing procedures for the performance of transfers.	
Recital 65				
75	(65) Continuity between the system for determining the Member State responsible established by	(65) Continuity between the system for determining the Member State responsible established by	(65) Continuity between the system for determining the Member State responsible established by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) No 604/2013 and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Regulation (EU) XXX/XXX [Eurodac Regulation].	Regulation (EU) No 604/2013 and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Regulation (EU) XXX/XXX [Eurodac Regulation].	Regulation (EU) No 604/2013 and the system established by this Regulation should be ensured. Similarly, consistency should be ensured between this Regulation and Regulation (EU) XXX/XXX [~~Eurodac Regulation~~ Eurodac Regulation].	
Recital 66				
76	(66) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance.	(66) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance. <u>The network should organise regular meetings to enhance trust-building and common understanding of the challenges of the implementation of the CEAS in different Member States.</u>	(66) A network of competent Member State authorities should be set up and facilitated by the European Union Agency for Asylum to enhance practical cooperation and information sharing on all matters related to the application of this Regulation, including the development of practical tools and guidance.	
Recital 67				
77	(67) The operation of the Eurodac system, as established by Regulation (EU) XXX/XXX [Eurodac Regulation], should facilitate the application of this Regulation.	(67) The operation of the Eurodac system, as established by Regulation (EU) XXX/XXX [Eurodac Regulation], should facilitate the application of this Regulation.	(67) The operation of the Eurodac system, as established by Regulation (EU) XXX/XXX [Eurodac Regulation], should facilitate the application of this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 68				
78	(68) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council¹, and in particular the implementation of Articles 21 and 22 thereof, should facilitate the application of this Regulation. ¹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13.8.2008, p. 60.	(68) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council¹, and in particular the implementation of Articles 21 and 22 thereof, should facilitate the application of this Regulation. ¹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13.8.2008, p. 60.	(68) The operation of the Visa Information System, as established by Regulation (EC) No 767/2008 of the European Parliament and of the Council¹, and in particular the implementation of Articles 21 and 22 thereof, should facilitate the application of this Regulation. ¹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13.8.2008, p. 60.	
Recital 69				
79	(69) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the European Court of Human Rights.	(69) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the <u>Court of Justice of the European Union and the</u> European Court of Human Rights.	(69) With respect to the treatment of persons falling within the scope of this Regulation, Member States are bound by their obligations under instruments of international law, including the relevant case-law of the European Court of Human Rights.	
Recital 70				
80	(70) Regulation (EU) 2016/679 of the European Parliament and of the	(70) Regulation (EU) 2016/679 of the European Parliament and of the	(70) Regulation (EU) 2016/679 of the European Parliament and of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council¹ applies to the processing of personal data by the Member States under this Regulation. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to the authorities competent for carrying out security checks. ¹. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1.	Council¹ applies to the processing of personal data by the Member States under this Regulation. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to the authorities competent for carrying out security checks. <u><i>In particular, data subjects should be notified without undue delay when a security incident is likely to result in a high risk to their rights and freedoms in accordance with Regulation (EU) 2016/679.</i></u> ¹. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text	Council¹ applies to the processing of personal data by the Member States under this Regulation. Member States should implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with that Regulation and the provisions specifying its requirements in this Regulation. In particular those measures should ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed. The competent supervisory authority or authorities of each Member State should monitor the lawfulness of the processing of personal data by the authorities concerned, including of the transmission to the authorities competent for carrying out security checks. ¹. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		with EEA relevance), OJ L 119, 4.5.2016, p. 1.		
80a		<u>(70a) Member States as well as the Union agencies should take all proportionate and necessary measures to ensure that the data is stored in a secure way.</u>		
Recital 71				
81	(71) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.	(71) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.	(71) In order to ensure uniform conditions for the implementation of this Regulation, certain implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹, with the exception of decisions determining whether a Member State is under migratory pressure, at risk of migratory pressure, or facing a significant migratory situation. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 72				
82	(72) The examination procedure should be used for the adoption of a standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions on the preparation and submission of take charge requests and take back notifications; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a laissez passer; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.	(72) The examination procedure should be used for the adoption of a standard form for the exchange of relevant information on unaccompanied minors; of uniform conditions for the consultation and exchange of information on minors and dependent persons; of uniform conditions on the preparation and submission of take charge ~~requests~~ and take back ~~notifications~~ <u>requests</u> ; of two lists of relevant elements of proof and circumstantial evidence, and the periodical revision thereof; of a <u>laissez passer</u> ~~laissez passer~~ ; of uniform conditions for the consultation and exchange of information regarding transfers; of a standard form for the exchange of data before a transfer; of a common health <u>and vulnerabilities</u> certificate; of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, and of secure electronic transmission channels for the transmission of requests.	deleted	
Recital 72a				
82a			(72a) However, as regards	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			decisions relating to the establishment and functioning of the Solidarity Pool, implementing powers should be conferred on the Council in view of the particular features of the system of solidarity provided for by this Regulation, which is based on pledges made by each Member State, exercising full discretion as to the type of solidarity, in the High Level Forum.	
Recital 73				
83	(73) The Commission should adopt immediately applicable implementing acts in duly justified imperative grounds of urgency due to the situation of migratory pressure present in a Member States.	(73) The Commission should adopt immediately applicable <u>delegated</u> <u>and</u> implementing acts in duly justified imperative grounds of urgency due to the situation of migratory pressure present in a Member States.	<i>deleted</i>	
Recital 74				
84	(74) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of the identification of family members or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for	(74) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of the identification of family members or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for	(74) In order to provide for supplementary rules, the power to adopt acts in accordance with Article 290 of the[...] TFEU should be delegated to the Commission in respect of the identification of family members or relatives of an unaccompanied minor; the criteria for establishing the existence of proven family links; the criteria for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. 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 in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. 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 in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	assessing the capacity of a relative to take care of an unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State; the elements for assessing a dependency link; the criteria for assessing the capacity of a person to take care of a dependent person and the elements to be taken into account in order to assess the inability to travel for a significant period of time. ~~In exercising its powers to adopt delegated acts, the Commission shall not exceed the scope of,~~ whilst fully respecting [...] the best interests of the child as provided for in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 75				
85	(75) A number of substantive changes are to be made to Regulation (EU) No 604/2013. In the interests of clarity, that Regulation should be repealed.	(75) A number of substantive changes are to be made to Regulation (EU) No 604/2013. In the interests of clarity, that Regulation should be repealed.	(75) A number of substantive changes are to be made to Regulation (EU) No 604/2013. In the interests of clarity, that Regulation should be repealed.	
Recital 76				
86	(76) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.	(76) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.	(76) The effective monitoring of the application of this Regulation requires that it be evaluated at regular intervals.	
Recital 77				
87	(77) This Regulation respects the fundamental rights and observes the principles which are acknowledged, in particular, in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full observance of the right to asylum guaranteed by Article 18 of the Charter as well as the rights recognised under Articles 1, 4, 7, 24 and 47 thereof. This Regulation should therefore be applied accordingly.	(77) This Regulation respects the fundamental rights and observes the principles which are ~~acknowledged, in particular, guaranteed in Union and international law, including~~ in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full observance of the right to asylum guaranteed by Article 18 of the Charter as well as the rights recognised under Articles 1, 4, 7, 24 and 47 thereof. ~~This Regulation~~ <u>Member States</u> should therefore ~~be applied~~ <u>apply this Regulation</u> accordingly.	(77) This Regulation respects the fundamental rights and observes the principles which are acknowledged, in particular, in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full observance of the right to asylum guaranteed by Article 18 of the Charter as well as the rights recognised under Articles 1, 4, 7, 24 and 47 thereof. This Regulation should therefore be applied accordingly.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 78				
88	(78) Since the objective of this Regulation, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, and the establishment of a solidarity mechanism to support Member States in addressing a situation of migratory pressure, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(78) Since the objective of this Regulation, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for international protection ~~lodged~~<u>registered</u> in one of the Member States by a third-country national or a stateless person, and the establishment of a solidarity mechanism to support Member States in addressing a situation of migratory pressure, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(78) Since the objective of this Regulation, namely the establishment of criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, and the establishment of a solidarity mechanism to support Member States in addressing a situation of migratory pressure, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
Recital 78a				
88a			(78a) With a view to ensuring a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			coherent implementation of this Regulation by the time of its application, implementation plans at Union and national levels that identify gaps and operational steps for each Member States, should be developed and implemented.	
Recital 79				
89	(79) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that Parts III, V and VII of this Regulation constitute amendments within the meaning of Article 3 of the Agreement concluded between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention ¹ , Denmark has to notify the Commission of its decision whether or not to implement the content of such amendments at the time of the adoption of the	(79) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that Parts III, V and VII of this Regulation constitute amendments within the meaning of Article 3 of the Agreement concluded between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention ¹ , Denmark has to notify the Commission of its decision whether or not to implement the content of such amendments at the time of the adoption of the	(79) [In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that Parts III, V and VII of this Regulation constitute amendments within the meaning of Article 3 of the Agreement concluded between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention ¹ , Denmark has to notify the Commission of its decision whether or not to implement the content of such amendments at the time of the adoption of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	amendments or within 30 days hereafter. 1. OJ L 66, 8.3.2006, p. 38	amendments or within 30 days hereafter. 1. OJ L 66, 8.3.2006, p. 38	amendments or within 30 days hereafter.] 1. OJ L 66, 8.3.2006, p. 38	
Recital 80				
90	(80) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified their wish to take part in the adoption and application of this Regulation]	(80) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified their wish to take part in the adoption and application of this Regulation]	<i>deleted</i>	
Recital 80, point				
91	OR	OR	<i>deleted</i>	
Recital 81				
92	(81) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or	(81) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or	(81) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subject to its application.]	subject to its application.]	subject to its application.}	
Recital 82				
93	(82) As regards Iceland and Norway, Parts III, V and VII of this Regulation constitute new legislation in a field which is covered by the subject matter of the Annex to the Agreement concluded by the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway¹. ¹. OJ L 93, 3.4.2001 p. 40.	(82) As regards Iceland and Norway, Parts III, V and VII of this Regulation constitute new legislation in a field which is covered by the subject matter of the Annex to the Agreement concluded by the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway¹. ¹. OJ L 93, 3.4.2001 p. 40.	(82) [As regards Iceland and Norway, Parts III, V and VII of this Regulation constitute new legislation in a field which is covered by the subject matter of the Annex to the Agreement concluded by the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway¹. ¹. OJ L 93, 3.4.2001 p. 40.	
Recital 83				
94	(83) As regards Switzerland, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in	(83) As regards Switzerland, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in	(83) As regards Switzerland, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Switzerland ¹ . 1. OJ L 53, 27.2.2008, p. 5.	Switzerland ¹ . 1. OJ L 53, 27.2.2008, p. 5.	Switzerland ¹ . 1. OJ L 53, 27.2.2008, p. 5.	
Recital 84				
95	(84) As regards Liechtenstein, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland to which Article 3 of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland¹ refers. 1. OJ L 160, 18.6.2011, p. 37.	(84) As regards Liechtenstein, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland to which Article 3 of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland¹ refers. 1. OJ L 160, 18.6.2011, p. 37.	(84) As regards Liechtenstein, Parts III, V and VII of this Regulation constitute acts or measures amending or building upon the provisions of Article 1 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland to which Article 3 of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland¹ refers].² 1. OJ L 160, 18.6.2011, p. 37. 2. The inclusion of recitals 79, 82, 83 and 84 is without prejudice to the position the Council will take in the light of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			opinion of the Council Legal Service concerning Schengen relevance and variable geometry (doc. 6357/21)	
Formula				
96	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
I				
97	I PART I	I PART I	~~PART I~~ PART I SCOPE AND DEFINITIONS	
Article 1				
98	Article 1 Aim and subject matter	Article 1 Aim and subject matter	Article 1 Aim and subject matter	
Article 1, first paragraph				
99	In accordance with the principle of solidarity and fair sharing of responsibility, and with the objective of reinforcing mutual trust, this Regulation:	In accordance with the principle of solidarity and fair sharing of responsibility, and with the objective of reinforcing mutual trust, this Regulation:	In accordance with the principle of solidarity and fair sharing of responsibility, and with the objective of reinforcing mutual trust, this Regulation:	
Article 1, first paragraph, point (a)				
100	(a) sets out a common framework for the management of asylum and migration in the Union;	(a) sets out a common framework for the management of asylum and migration in the Union, <u>and the functioning of the Common</u>	(a) sets out a common framework for the management of asylum and migration in the Union;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>European Asylum System</u> ;		
Article 1, first paragraph, point (b)				
101	(b) establishes a mechanism for solidarity;	(b) establishes a mechanism for solidarity <u>and fair sharing of responsibility, as enshrined in Article 80 Treaty of the Functioning of the European Union (TFEU)</u> ;	(b) establishes a mechanism for solidarity;	
Article 1, first paragraph, point (c)				
102	(c) lays down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.	(c) lays down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.	(c) lays down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.	
Article 2				
103	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				
104	For the purposes of this Regulation:	For the purposes of this Regulation:	For the purposes of this Regulation:	
Article 2, first paragraph, point (a)				
105	(a) ‘third-country national’ means any person who is not a citizen of	(a) ‘third-country national’ means any person who is not a citizen of	(a) ‘third-country national’ means any person who is not a citizen of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Union within the meaning of Article 20(1) of the Treaty and who is not a person enjoying the right to free movement under Union law as defined in Article 2, point (5) of Regulation (EU) 2016/399 of the European Parliament and of the Council¹; 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.	the Union within the meaning of Article 20(1) of the ~~Treaty~~ TFEU and who is not a person enjoying the right ~~to~~ free movement under Union law as defined in Article 2, point (5) of Regulation (EU) 2016/399 of the European Parliament and of the Council¹; 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.	the Union within the meaning of Article 20(1) of the Treaty and who is not a person enjoying the right to free movement under Union law as defined in Article 2, point (5) of Regulation (EU) 2016/399 of the European Parliament and of the Council¹; 1. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.	
Article 2, first paragraph, point (aa)				
105a		<u>(aa) ‘stateless person’ means a person who is not considered a national by any State under the operations of its law, as referred to in the Convention relating to the Status of Stateless Persons, signed in New York on 28 September 1954;</u>	(aa)	
Article 2, first paragraph, point (ab)				
105b			(ab) ‘vulnerable persons’ means the persons referred to in the second subparagraph of Article 20 of Directive XXX/XXX/EU [Reception Conditions Directive], who were assessed to have special reception needs according to Article 21 of Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			XXX/XXX/EU [Reception Conditions Directive];	
Article 2, first paragraph, point (b)				
106	(b) ‘application for international protection’ or ‘application’ means a request for protection made to a Member State by a third-country national or a stateless person, who can be understood as seeking refugee status or subsidiary protection status;	(b) ‘application for international protection’ or ‘application’ means a request for protection made to a Member State by a third-country national or a stateless person, who can be understood as seeking refugee status or subsidiary protection status;	(b) [‘application for international protection’ or ‘application’ means a request for protection made to a Member State-made by a third-country national or a stateless person for protection from [...] a Member State [...] , who can be understood ~~as seeking~~ to seek [...] refugee status or subsidiary protection status;] ¹ 1. The definition should be aligned with other asylum instruments.	
Article 2, first paragraph, point (c)				
107	(c) ‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a decision has not been taken, or has been taken and is either subject to or can still be subject to a remedy in the Member State concerned, irrespective of whether the applicant has a right to remain or is allowed to remain in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation], including a person who has been granted immediate protection	(c) ‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a <u>final</u> decision has not been taken, ~~or has been taken and is either subject to or can still be subject to a remedy in the Member State concerned, irrespective of whether the applicant has a right to remain or is allowed to remain in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation], including a person who has been granted immediate~~	(c) [‘applicant’ means a third-country national or a stateless person who has made an application for international protection in respect of which a decision has not been taken, or has been taken and is either subject to or can still be subject to a remedy in the Member State concerned, irrespective of whether the applicant ~~that person [...]~~ has a right to remain or is allowed to remain in accordance with Regulation (EU) XXX/XXX Asylum Procedure Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration];	~~protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration];~~	Regulation], including a person who has been granted immediate protection pursuant to Regulation (EU) XXX/XXX [Regulation addressing situations of crisis and force majeure in the field of asylum and migration]; ¹ 1. The definition should be aligned with other asylum instruments (reference to the Crisis Situations Regulation to be kept).	
Article 2, first paragraph, point (d)				
108	(d) ‘examination of an application for international protection’ means examination of the admissibility or the merits of an application for international protection in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation], excluding procedures for determining the Member State responsible in accordance with this Regulation;	(d) ‘examination of an application for international protection’ means examination of the admissibility or the merits of an application for international protection in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation], excluding procedures for determining the Member State responsible in accordance with this Regulation;	(d) ‘examination of an application for international protection’ means examination of the admissibility or the merits of an application for international protection in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation], excluding procedures for determining the Member State responsible in accordance with this Regulation;	
Article 2, first paragraph, point (e)				
109				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) ‘withdrawal of an application for international protection’ means either explicit or implicit withdrawal of an application for international protection in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation];	(e) ‘withdrawal of an application for international protection’ means either explicit or implicit withdrawal of an application for international protection in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation];	(e) ‘withdrawal of an application for international protection’ means either explicit or implicit withdrawal of an application for international protection in accordance with Regulation (EU) XXX/XXX [~~Asylum Procedure Regulation~~];	
Article 2, first paragraph, point (f)				
110	(f) ‘beneficiary of international protection’ means a third-country national or a stateless person who has been granted international protection as defined in Article 2(2) of Regulation (EU) XXX/XXX [Qualification Regulation];	(f) ‘beneficiary of international protection’ means a third-country national or a stateless person who has been granted international protection as defined in Article 2(2) of Regulation (EU) XXX/XXX [Qualification Regulation];	(f) [‘beneficiary of international protection’ means a third-country national or a stateless person who has been granted international protection as defined in Article 2(2) of Regulation (EU) XXX/XXX [~~Qualification Regulation~~];] ¹ 1. The definition should be aligned with other asylum instruments.	
Article 2, first paragraph, point (g)				
111	(g) ‘family members’ means, insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of the Member States:	(g) ‘family members’ means, ~~insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States~~ , the following members of the applicant’s <u>or beneficiary</u> ’s family who are present on the territory of the Member	(g) ‘family members’ means, insofar as the family already existed before the applicant or the family member arrived on the territory of the Member States, the following members of the applicant’s family who are present on the territory of the Member States:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		States:		
Article 2, first paragraph, point (g)(i)				
112	(i) the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals,	(i) the spouse of the applicant or <u>beneficiary or</u> his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals,	(i) the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals,	
Article 2, first paragraph, point (g)(ii)				
113	(ii) the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law,	(ii) the minor <u>or adult dependent</u> children of couples referred to in the first indent or of the applicant, ~~on condition that they are unmarried~~ <u>and or beneficiary</u> regardless of whether they were born in or out of wedlock or adopted as defined <u>or recognised</u> under national law,	(ii) the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law,	
Article 2, first paragraph, point (g)(iii)				
114	(iii) where the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present,	(iii) where the applicant is a minor ~~and unmarried~~ <u>or adult dependent child</u> , the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present,	(iii) where the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (g)(iv)				
115	(iv) where the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present,	(iv) where the beneficiary of international protection is a minor ~~and unmarried~~ <u>or adult dependent child</u> , the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present,	(iv) where the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Member State where the beneficiary is present,	
Article 2, first paragraph, point (g)(v)				
116	(v) the sibling or siblings of the applicant;	(v) the sibling or siblings of the applicant <u>or beneficiary</u> ;	<i>deleted</i>	
116a		<u>(va) by way of derogation from points (ii), (iii) and (iv), on the basis of an individual assessment, where the minor is married, the adult spouse constitutes a family member provided that the marriage is 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 2, first paragraph, point (h)				
117				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(h) ‘relative’ means the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law;	(h) ‘relative’ means the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law;	(h) ‘relative’ means the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law;	
Article 2, first paragraph, point (i)				
118	(i) ‘minor’ means a third-country national or a stateless person below the age of 18 years;	(i) ‘minor’ means a third-country national or a stateless person below the age of 18 years;	(i) [‘minor’ means a third-country national or a stateless person below the age of 18 years;] ¹ 1. The definition should be aligned with other asylum instruments.	
Article 2, first paragraph, point (j)				
119	(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;	(j) ‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;	(j) [‘unaccompanied minor’ means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States;] ¹ 1. The definition should be aligned with other asylum instruments.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (k)				
120	(k) ‘representative’ means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary;	(k) ‘ ~~representative~~ <u>guardian</u> ’ means a <u>natural</u> person or an organisation ~~appointed~~ <u>including a public body designated</u> by the competent ~~bodies~~ <u>authorities</u> in order to assist, and represent <u>and act on behalf of</u> an unaccompanied minor in procedures provided for in this Regulation <u>in order to ensure that the unaccompanied minor can benefit from the rights and comply with the obligations under this Regulation, while safeguarding</u> ~~with a view to ensuring~~ the best interests of the child <u>and his or her well-being</u> , and exercising legal capacity for the minor where necessary;	(k) ‘representative’ means a person or an organisation appointed by the competent bodies in order to assist and represent an unaccompanied minor in procedures provided for in this Regulation with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary;	
Article 2, first paragraph, point (l)				
121	(l) ‘residence document’ means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the	(l) ‘residence document’ means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the	(l) ‘residence document’ means any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit;	period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit;	period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit;	
Article 2, first paragraph, point (m)				
122	(m) ‘visa’ means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States, including:	(m) ‘visa’ means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States, including:	(m) ‘visa’ means the authorisation or decision of a Member State required for transit or entry for an intended stay in that Member State or in several Member States, including:	
Article 2, first paragraph, point (m)(i)				
123	(i) an authorisation or decision issued in accordance with its national law or Union law required for entry for an intended stay in that Member State of more than 90 days,	(i) an authorisation or decision issued in accordance with its national law or Union law required for entry for an intended stay in that Member State of more than 90 days,	(i) an authorisation or decision issued in accordance with its national law or Union law required for entry for an intended stay in that Member State of more than 90 days,	
Article 2, first paragraph, point (m)(ii)				
124	(ii) an authorisation or decision issued in accordance with its national law or Union law required for entry for a transit through or an intended stay in that Member State not exceeding 90 days in any 180-day period,	(ii) an authorisation or decision issued in accordance with its national law or Union law required for entry for a transit through or an intended stay in that Member State not exceeding 90 days in any 180-day period,	(ii) an authorisation or decision issued in accordance with its national law or Union law required for entry for a transit through or an intended stay in that Member State not exceeding 90 days in any 180-day period,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (m)(iii)				
125	(iii) an authorisation or decision valid for transit through the international transit areas of one or more airports of the Member States;	(iii) an authorisation or decision valid for transit through the international transit areas of one or more airports of the Member States;	(iii) an authorisation or decision valid for transit through the international transit areas of one or more airports of the Member States;	
Article 2, first paragraph, point (n)				
126	(n) ‘diploma or qualification’ means a diploma or qualification which is obtained after at least a three months’ period of study in a recognised, state or regional programme of education or vocational training at least equivalent to level 2 of the International Standard Classification of Education, operated by an education establishment in accordance with national law or administrative practice of the Member States;	(n) ‘diploma or qualification’ means a diploma or qualification which is obtained after at least a three months’ period of study <u>achieved on the territory of a Member State</u> in a recognised, state or regional programme of education or vocational training at least equivalent to level 2 of the International Standard Classification of Education, operated by an education establishment in accordance with national law or administrative practice of the Member States;	<i>deleted</i>	
Article 2, first paragraph, point (o)				
127	(o) ‘education establishment’ means any type of public or private education or vocational training establishment established in a Member State and recognised by that Member State or considered as	(o) ‘education establishment’ means any type of public or private education or vocational training establishment established in a Member State and recognised by that Member State or considered as	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	such in accordance with national law or whose courses of study or training are recognised in accordance with national law or administrative practice;	such in accordance with national law or whose courses of study or training are recognised in accordance with national law or administrative practice;		
Article 2, first paragraph, point (p)				
128	(p) ‘absconding’ means the action by which an applicant does not remain available to the competent administrative or judicial authorities, such as by leaving the territory of the Member State without authorisation from the competent authorities for reasons which are not beyond the applicant’s control;	(p) ‘absconding’ means the action by which an applicant does not remain available to the competent administrative or judicial authorities, ~~such as by leaving the territory of the Member State without authorisation from the competent authorities~~ for reasons which are not beyond the applicant’s control;	(p) ‘absconding’ means the action by which ~~an applicant~~ a person concerned [...] does not remain available to the competent administrative or judicial authorities, for reasons which are not beyond the person’s control ; such as by leaving the territory of the Member State without authorisation from the competent authorities ~~for reasons which are not beyond the applicant’s control~~ or failure to notify absence from a particular accommodation centre, or assigned area or residence, where so required by a Member State, or failure to present himself or herself to the competent authorities where so required by these authorities [...] ;	
Article 2, first paragraph, point (q)				
129	(q) ‘risk of absconding’ means the existence of specific reasons and circumstances in an individual case, which are based on objective criteria defined by national law to believe	(q) ‘risk of absconding’ means the existence of specific reasons and circumstances in an individual case, <u>following an individual assessment</u> , which are based on objective criteria	(q) [‘risk of absconding’ means the existence of specific reasons and circumstances in an individual case, which are based on objective criteria defined by national law to believe	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that an applicant who is subject to a transfer procedure may abscond;	<u>clearly</u> defined by national law to believe that an applicant who is subject to a transfer procedure may abscond;	that an applicant a person concerned [...] who is subject to a transfer procedure procedures set out in this Regulation [...] may abscond;] ¹ 1. The definition should be aligned with other asylum instruments.	
Article 2, first paragraph, point (r)				
130	(r) ‘benefitting Member State’ means the Member State benefitting from the solidarity measures in situations of migratory pressure or for disembarkations following search and rescue operations as set out in Chapters I-III of Part IV of this Regulation;	(r) ‘benefitting Member State’ means the Member State benefitting from the solidarity ~~measures in situations of migratory pressure or for disembarkations following search and rescue operations~~ <u>contributions</u> as set out in ~~Chapters I-III of Part IV of this Regulation~~ <u>Article 45 in situations of migratory pressure</u> ;	(r) ‘benefitting Member State’ means the Member State benefitting from the solidarity measures in situations of migratory pressure ~~or for disembarkations following search and rescue operations~~ [...] as set out in Chapters I-III of Part IV of this Regulation;	
Article 2, first paragraph, point (s)				
131	(s) ‘contributing Member State’ means a Member State that contributes or is obliged to contribute to the solidarity measures to a benefitting Member State set out in Chapters I-III of Part IV of this Regulation;	(s) ‘contributing Member State’ means a Member State that ~~contributes~~ <u>provides</u> or is obliged to ~~contribute to the~~ <u>provide</u> solidarity ~~measures~~ <u>contributions</u> to a benefitting Member State, <u>as</u> set out in ~~Chapters I-III of Part IV of this Regulation~~ <u>Article 45</u> ;	(s) ‘contributing Member State’ means a Member State that contributes or is obliged to contribute to the solidarity measures to a benefitting Member State set out in Chapters I-III of Part IV of this Regulation;	
Article 2, first paragraph, point (t)				
132				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(t) ‘sponsoring Member State’ means a Member State that commits to return illegally staying third-country nationals to the benefit of another Member State, providing the return sponsorship referred to in Article 55 of this Regulation;	<i>deleted</i>	<i>deleted</i>	
132a		<u>(ta) ‘transfer’ means the action taken by the Member States and practical arrangements made by that Member State in order to take charge or to take back an applicant pursuant to Article 26 of this Regulation;</u>		
Article 2, first paragraph, point (u)				
133	(u) ‘relocation’ means the transfer of a third-country national or a stateless person from the territory of a benefitting Member State to the territory of a contributing Member State;	(u) ‘relocation’ means ~~the transfer of a third-country national or a stateless person~~ <u>transferral of an applicant or a beneficiary of international protection</u> from the territory of a benefitting Member State to the territory of a contributing Member State;	(u) ‘relocation’ means the transfer of a third-country national or a stateless person from the territory of a benefitting Member State to the territory of a contributing Member State;	
Article 2, first paragraph, point (v)				
134	(v) ‘search and rescue operations’ means operations of search and rescue as referred to in the 1979	(v) ‘search and rescue operations’ means operations of search and rescue <u>activities</u> , as referred to in the	(v) ‘search and rescue operations’ means operations of search and rescue as referred to in the 1979	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	International Convention on Maritime Search and Rescue adopted in Hamburg, Germany on 27 April 1979;	1979 International Convention on Maritime Search and Rescue adopted in Hamburg, Germany on 27 April 1979; <u>and operations as referred to in Article 10 of Regulation (EU) No 656/2014 of the European Parliament and of the Council^{1a}.</u> <u>1a. Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 189, 27.6.2014, p. 93).</u>	International Convention on Maritime Search and Rescue adopted in Hamburg, Germany on 27 April 1979;	
Article 2, first paragraph, point (w)				
135	(w) ‘migratory pressure’ means a situation where there is a large number of arrivals of third-country nationals or stateless persons, or a risk of such arrivals, including where this stems from arrivals following search and rescue operations, as a result of the geographical location of a Member State and the specific developments in third countries which generate migratory movements that place a burden even on well-prepared asylum and reception systems and requires immediate action;	(w) ‘migratory pressure’ means, <u>without prejudice to the definition of crisis in Article XX of Regulation (EU) xx/xx [Crisis Regulation], a situation, whereby the</u> ~~a situation where there is a large number of arrivals of third-country nationals or stateless persons, or a risk of such arrivals, including where this stems from arrivals following search and rescue operations, as a result of the geographical location of a Member State and the specific developments in third countries which generate migratory movements that~~ <u>or applications of third-country</u>	(w) ‘migratory pressure’ means a situation ~~where there is a large number of~~ which is generated by [...] arrivals of ~~third-country~~ third country nationals or stateless persons, ~~or a risk of such arrivals, including where this stems from arrivals following search and rescue operations, as a result~~ that are of such a scale that they [...] place a disproportionate burden on Member States taking into account the overall situation in the Union, even on well-prepared asylum and reception systems and require immediate action. Taking	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>nationals or stateless persons, including recurring arrivals by sea, in particular disembarkations following search and rescue operations and activities</u> place a ~~burden~~ disproportionate responsibility even on well-prepared asylum, <u>reception and migration and reception</u> systems, ~~which and~~ requires ~~immediate action~~ solidarity contributions pursuant to Article 45 of this Regulation;	into account the specificities of the geographical location of a Member State, it covers situations where there is a large number of arrivals of third-country nationals or stateless persons or a risk of such arrivals, including where this stems from recurring disembarkations following search and rescue operations, or from unauthorised movements of third country nationals or stateless persons between the Member States and the specific developments in third countries which generate migratory movements that place a burden even on well-prepared asylum and reception systems and requires immediate action;	
Article 2, first paragraph, point (wa)				
135a		<u>(wa) ‘reception conditions’ means the reception conditions, as defined in Article 2(6) of Directive (EU) XXX/XXX [Reception Conditions Directive];</u>	(wa) ‘significant migratory situation’ means a situation different from migratory pressure where the cumulative effect of current and previous annual arrivals of third country nationals or stateless persons leads a well prepared asylum, reception and migration system to reach the limits of its capacity;	
Article 2, first paragraph, point (x)				
136				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(x) ‘resettled or admitted person’ means a person who has been accepted by a Member State for admission pursuant to Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or under a national resettlement scheme outside the framework of that Regulation;	(x) ‘resettled or admitted person’ means a person who has been accepted by a Member State for admission pursuant to Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or under a national resettlement scheme outside the framework of that Regulation;	(x) ‘resettled or admitted person’ means a person who has been accepted by a Member State for admission pursuant to Regulation (EU) XXX/XXX [Union Resettlement Framework Regulation] or under a national resettlement scheme outside the framework of that Regulation;	
136a		<u>(xa) ‘EU Relocation Coordinator’ means the person appointed by the Commission and with the mandate as defined in Article 58 a of this Regulation;</u>		
Article 2, first paragraph, point (y)				
137	(y) ‘Asylum Agency’ means the European Union Agency for Asylum as established by Regulation (EU) XXX/XXX [European Union Asylum Agency];	(y) ‘Asylum Agency’ means the European Union Agency for Asylum as established by Regulation (EU) XXX/XXX [European Union Asylum Agency];	(y) ‘Asylum Agency’ means the European Union Agency for Asylum as established by Regulation (EU) ~~XXX/XXX [European Union Asylum Agency]~~ 2021/2303¹ [...] 1. 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.	
Article 2, first paragraph, point (z)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
138	(z) ‘return decision’ means an administrative or judicial decision or act stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return that respects Directive 2008/115/EC of the European Parliament and of the Council¹; ¹. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.	<i>deleted</i>	(z) ‘return decision’ means an administrative or judicial decision or act stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return that respects Directive 2008/115/EC of the European Parliament and of the Council¹; ¹. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.	
Article 2, first paragraph, point (aa)				
139	(aa) ‘illegally staying third-country national’ means a third-country national who does not fulfil or no longer fulfils the conditions of entry as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in a Member State.	<i>deleted</i>	(aa) ‘illegally staying third-country national’ means a third-country national who does not fulfil or no longer fulfils the conditions of entry as set out in Article 6 of Regulation (EU) 2016/399 or other conditions for entry, stay or residence in a Member State.	
II				
140	II PART II	II PART II	PART II PART II COMMON FRAMEWORK FOR ASYLUM AND MIGRATION MANAGEMENT	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Chapter I				
140a			Chapter I THE COMPREHENSIVE APPROACH	
Article 3				
141	Article 3 Comprehensive approach to asylum and migration management	Article 3 Comprehensive approach to asylum and migration management	Article 3 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 approach shall address the entirety of the migratory routes that affect asylum and migration management and shall consist of the following components:	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. ~~That comprehensive approach shall address the entirety of the migratory routes that affect~~ <u>including the principle of integrated policy-making, in compliance with international and Union law, ensuring coherence between</u> asylum and migration management ~~and shall consist~~ <u>policies and consisting</u> of the following components:	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 the Union and the Member States shall take actions acting within their respective competences in the field of asylum and migration management on the basis of shall be guided by a comprehensive approach. That comprehensive approach shall address addressing the entirety of the relevant migratory routes that affect asylum and migration management and shall consist and consisting of the following components, within the framework of the following components applicable Union law: [...]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, 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 search and rescue , border, asylum and migration management in full respect of human rights , preventing ~~and combatting~~ [...] irregular migration and combatting migrant smuggling and trafficking in human beings , and enhancing cooperation on readmission;	
Article 3, first paragraph, 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;	
Article 3, first paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
145	(c) full implementation of the common visa policy;	<i>deleted</i>	(c) full implementation of the common visa policy;	
Article 3, first paragraph, point (d)				
146	(d) effective management and prevention of irregular migration;	<i>deleted</i>	(d) effective management and [...] prevention of irregular migration and combatting of migrant smuggling and trafficking in human beings, while ensuring the right to apply for international protection;	
Article 3, first paragraph, 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^{1a}</u> ; <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;	
Article 3, first paragraph, point (f)				
148	(f) full respect of the obligations laid down in international and	(f) full respect of the obligations laid down in international and	(f) full respect of the obligations laid down in international and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European law concerning persons rescued at sea;	European law concerning persons rescued at sea;	European law concerning persons rescued at sea;	
Article 3, first paragraph, 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 ~~and withdrawing~~ 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) effective 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, in accordance with Regulation (EU) XXX/XXX [Asylum Procedure Regulation] and Regulation (EU) XXX/XXX [Qualification Regulation] ;	
Article 3, first paragraph, 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 ~~shared responsibility and rules and mechanisms for solidarity~~ the principle of solidarity and fair sharing of [...] responsibility [...] ;	
Article 3, first paragraph, point (ha)				
150a			(ha) effective prevention of unauthorised movements of third country nationals and stateless	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			persons between Member States;	
Article 3, first paragraph, point (i)				
151	(i) access for applicants to adequate reception conditions;	(i) access for applicants to adequate reception conditions, <u>in accordance with the Reception Conditions Directive</u> ;	(i) access for applicants to adequate reception conditions, in accordance with Directive XXX/XXX/EU [Reception Conditions Directive] ;	
Article 3, first paragraph, point (j)				
152	(j) effective management of the return of illegally staying third-country nationals;	(j) ~~effective management of the~~ return of ~~illegally~~ <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;	
Article 3, first paragraph, point (k)				
153	(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;	
Article 3, first paragraph, point (l)				
154	(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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (m)				
155	(m) full deployment and use of the operational tools set up at Union level, notably the European Border and Coast Guard Agency, the Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems;	(m) ~~full~~ where applicable, deployment and use of the operational tools set up at Union level, notably the ~~European Border and Coast Guard Agency, the Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems;~~	(m) full deployment and use of the operational tools set up at Union level, notably the European Border and Coast Guard Agency, the Asylum Agency, EU-LISA and Europol, as well as large-scale Union Information Technology systems;	
Article 3, first paragraph, point (n)				
156	(n) full implementation of the European framework for preparedness and management of crisis.	deleted	(n) full implementation of the European framework for preparedness and management of crisis.	
Article 4				
157	Article 4 Principle of integrated policy-making	deleted	Article 4 deleted 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	deleted	deleted Alternative text replacing Article 4 has	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	external components of those policies.		<i>been placed in recital 6.</i>	
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.	<i>deleted</i>	<i>deleted</i> <i>Alternative text replacing Article 4 has been placed in recital 6.</i>	
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.	<i>deleted</i>	<i>deleted</i> <i>Alternative text replacing Article 4 has been placed in recital 6.</i>	
160a		<u>Article 4a</u> <u>A long-term European Asylum and Migration Management Strategy</u>		
160b		<u>The Commission shall adopt a</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		
160c		<u>The first Strategy shall be adopted by ... [18 months after the entry of this Regulation] and every five years thereafter.</u>		
160d		<u>The Strategy shall include the components listed in Article 3, and also take into account:</u>		
160e		<u>(a) the implementation of the national asylum and migration management strategies of the Member States, referred to in</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 5, and their compliance with Union and international law;</u>		
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>		
160g		<u>(c) information collected by the Commission and the Asylum Agency on implementation of the asylum acquis;</u>		
160h		<u>(d) information gathered from the 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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
160i		<u>(e) any other relevant information, including from Member States, monitoring authorities, international organisations, and any other relevant body and organisations;</u>		
160j		<u>(f) the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights.</u>		
160k		<u>Article 4b</u> <u>Annual Situational Report</u>		
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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	
160m		<u>The annual situational reports shall include:</u>		
160n		<u>(a) the total number of applications for international protection and the nationalities of the applicants, including the numbers of applications lodged by unaccompanied minors and other vulnerable persons;</u>		
160o		<u>(b) the reception capacity of the Member States;</u>		
160p		<u>(c) the number of third-country</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>1a 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^{1a};</i></u> <u><i>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) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).</i></u>	PUBLIC	
160q		<u><i>(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;</i></u>		
160r		<u><i>(e) the number of third-country</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>nationals admitted by the Member States through resettlement or humanitarian admission schemes;</i></u>		
160s		<u><i>(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;</i></u>		
160t		<u><i>(g) 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;</i></u>		
160u		<u><i>(h) the Member States which experienced recurring arrivals by sea, in particular through disembarkations following search and rescue operations and activities;</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>		
160w		<u>(j) the support provided by Union bodies, offices and agencies to the benefitting Member States;</u>		
160x		<u>(k) an annual evaluation of the implementation of the Strategy.</u>		
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>		
160z		<u>Article 4c</u> <u>Projected Annual Solidarity Needs</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>		
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>		
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>upcoming year, set out the projected annual solidarity needs in the form of:</u>		
160ad		<u>(a) the total number of required relocations pursuant to Article 45(1), points (a) and (c);</u>		
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>		
160af		<u>(c) the total need of capacity-building measures pursuant to Article 45(2a).</u>		
160ag		<u>The delegated act shall give priority to measures set out in Article 45(1).</u>		
160ah				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>The Commission shall consult with the Member State of Member States identified.</i></u>		
160ai		<u><i>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.</i></u>		
160aj		<u><i>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.</i></u>		
160ak		<u><i>The Commission shall transmit the review to the European Parliament</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and to the Council.</u>		
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 Principle of solidarity and fair sharing of responsibility	Article 5 Principle of solidarity and fair sharing ~~of~~ responsibility <u>and the duties of the Member States</u>	Article 5 Principle of solidarity and fair sharing of responsibility	
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. ~~Member~~	1. In implementing their obligations, the Union, the Member States and the relevant Union Agencies 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~States shall:~~	policies. Member States shall:	
162a		<u>1a. In fulfilling their duties, Member States shall:</u>		
Article 5(1), point (a)				
163	(a) establish and maintain national asylum and migration management systems that provide access to international protection procedures, grant such protection to those who are in need and ensure the return of those who are illegally staying;	(a) establish and maintain national asylum and migration management systems that provide access to 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 ~~illegally~~ <u>irregularly</u> staying;	(a) establish and maintain national asylum and migration management systems that provide effective access to international protection procedures, grant such protection to those who are in need, [...] ~~and~~ ensure efficient management of migration flows and the return of those who are illegally staying;	
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>		
Article 5(1), point (b)				
164				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) take all measures necessary and proportionate to reduce and prevent irregular migration 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;	(b) take all measures necessary and proportionate, <u>in full compliance with fundamental rights</u> , to reduce and prevent irregular migration, <u>including the prevention and fight against migrant smuggling and human trafficking, whilst protecting the rights of smuggled and trafficked people</u> ~~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;~~	(b) take all measures necessary and proportionate to ~~reduce and prevent~~ prevent and reduce [...] irregular migration 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;	
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;	
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 effective 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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(1), point (e)				
167	(e) take all reasonable and proportionate measures to prevent and correct unauthorised movements between Member States.	<i>deleted</i>	(e) take all reasonable measures necessary [...] and proportionate ~~measures~~ [...] to prevent and ~~correct~~ reduce [...] unauthorised movements of third country nationals and stateless persons between the Member States.	
167a		<u><i>1b. When implementing their obligations under paragraph 1a, Member States shall cooperate closely.</i></u>		
167b		<u><i>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</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>		
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^{1a}, 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> <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>		
167d		<u>(b) information on how the Member States implement the principles set out in this Part and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>legal obligations stemming therefrom at national level;</u>		
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>		
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^{1b} 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> <u>1b. Regulation (EU) 2021/1147 of the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>		
167g		<u>When establishing their national strategies, Member States shall consult local and regional authorities.</u>		
167h		<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>		
Article 5(2)				
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].	2. Financial and operational support by the Union for ~~the~~ implementation of the obligations, <u>including operational support from its agencies,</u> shall be provided in accordance with the Regulation (EU) ~~XXX/XXX [Asylum and Migration Fund] and~~ <u>2021/2303, Regulation (EU) 2019/1986,</u> Regulation (EU) ~~XXX/XXX [Integrated Border Management Fund]~~ <u>2021/1147 and Regulation (EU) 2021/1148^{1a}.</u>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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).</u>		
Article 6				
169	Article 6 Governance and monitoring of the migratory situation	<i>deleted</i>	Article 6 ~~Governance~~ Strategic governance and monitoring of the migratory situation ~~and monitoring of the migratory situation~~	
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			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Migration Management Strategy shall take into account the following:	<i>deleted</i>	<i>deleted</i>	
<i>Article 6(2), point (a)</i>				
172	(a) the national strategies of the Member States referred to paragraph 3 of this Article;	<i>deleted</i>	<i>deleted</i>	
<i>Article 6(2), point (b)</i>				
173	(b) information gathered by the 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>	
<i>Article 6(2), point (c)</i>				
174	(c) relevant reports and analyses from Union agencies;	<i>deleted</i>	<i>deleted</i>	
<i>Article 6(2), point (d)</i>				
175	(d) information gathered in the course of evaluations undertaken in the Schengen evaluation and	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	monitoring mechanism in accordance with Article 4 of Regulation (EU) No 1053/2013¹. 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.			
Article 6(3)				
176	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) 2019/1896¹ (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	<i>deleted</i>	3. Member States shall have national strategies ~~in place~~ setting out the strategic approach to managing asylum and migration at national level and [...] 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]~~ 2021/2303 [...], Regulation (EU) 2019/1896¹ ~~(European Border and Coast Guard Agency) [...]~~ and Directive XXX/XXX/EU [Reception Conditions Directive] ~~Reception~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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. 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.		~~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~~ relevant information as regards [...] 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]~~ 2021/1147 [...] and Regulation (EU) ~~XXX/XXX [European Union Asylum Agency]~~ 2021/2303 [...] and be coherent with and complementary to the relevant national strategies for integrated border management established in 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~~ shall also be taken into account in these strategies.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 6(4)				
177	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 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	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 3 including the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and propose improvements where appropriate.			
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 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.	<i>deleted</i>	5. The Member States shall establish the national strategies by ~~[one year after the entry into force of this Regulation]~~ 18 months [...] at the latest. ~~The first European Asylum 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.	
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	<i>deleted</i>	6. The Commission shall monitor and provide information on the migratory situation through regular situational reports based on ~~good quality~~ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notably the information gathered within the framework of the Migration Preparedness and Crisis Blueprint and its Network.		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.	
Article 6(7)				
179a			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).	
Article 6a				
179b		<u>Article 6a</u> <u>Governance and monitoring of the asylum and migration management</u>	Article 6a 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</u>	1. The permanent EU Migration Support Toolbox comprises at least the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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>		
Article 6a(1), point (a)				
179d			(a) operational and technical assistance by the relevant Union agencies in accordance with their mandates, in particular the 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			(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 ¹ , Regulation (EU) 2021/1148 ² ; ¹ Regulation (EU) 2021/1147 of the European Parliament and of the Council	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of 7 July 2021 establishing the Asylum, Migration and Integration Fund, OJ L 251, 15.7.2021, p. 1. 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.	
Article 6a(1), point (c)				
179f			(c) derogations foreseen in the Union acquis providing Member States with the necessary tools to 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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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)				
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.	
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.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>taking into account the comprehensive approach referred to in Article 3.</u>		
Article 7				
180	Article 7 Cooperation with third countries to facilitate return and readmission	<i>deleted</i>	Article 7 Cooperation with third countries to facilitate return and readmission	
Article 7(-1)				
180a			-1. Without prejudice to Article 25a(5) of Regulation (EU) No 810/2009 of the European Parliament and of the Council¹, 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. ¹ Regulation (EC) No 810/2009 of the European Parliament and of the Council, of 13 July 2009, establishing a Community	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Code on Visas, OJ L 243, 15.9.2009, p. 1.	
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 Council¹ and of any other information available, considers that a third country is not cooperating sufficiently on the readmission of 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. 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.	deleted	1. ~~Where~~[...] The Commission may, 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 Council¹ and of any other information available, ~~considers that a third country is not cooperating sufficiently on the readmission of illegally staying third-country nationals, and without prejudice to Article 25(a)(5) of that Regulation, it shall~~ from Member States, as well as from Union institutions, bodies, offices and agencies, [...] 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 and Member States' overall relations with the third country. ~~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.~~	
Article 7(2)				
182				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<i>deleted</i>	2. ~~Where~~ The Commission considers it appropriate, it ~~shall~~ may [...] also identify in its report measures designed to promote cooperation among the Member States to facilitate the return of ~~illegal~~ illegally staying third-country nationals.	
Article 7(3)				
183	3. On the basis of the report referred 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>	
Article 7(4)				
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.	
184a		<u>Article 7a</u> <u>Cooperation with third countries on asylum, border and migration management</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184b		<u>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</u>		
184c		<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>		
184d		<u>(ii) support partners hosting large numbers of migrants and refugees in need of protection and build their operational capacities;</u>		
184e		<u>(iii) strengthen bilateral, regional and international partnerships on migration, forced displacement, legal pathways and mobility partnerships;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184f		<u>(iv) support effective and human rights based migration policies;</u>		
184g		<u>(v) reduce the vulnerabilities caused by human trafficking and smuggling;</u>		
184h		<u>(vi) address drivers of irregular migration and forced displacement;</u>		
184i		<u>(vii) enhance readmission and reintegration.</u>		
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>		
184k		<u>3. The Commission and Member</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>States shall also take measures to assess and promote other measures designed to foster and enhance mutually benefitting cooperation with third countries.</u>		
184l		<u>4. The Commission, the Council, and the Member States shall, within their respective competences, take 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>		
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>		
184n				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>		
184o		<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 II				
184p			Chapter II THE ANNUAL MIGRATION MANAGEMENT CYCLE	
Article 7a				
184q			Article 7a European Migration Management Report and Commission Decision	
Article 7a(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 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.	
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.	
Article 7a(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184t			3. The Report shall contain the following elements:	
Article 7a(3), point (a)				
184u			(a) an assessment of the overall situation covering all migratory routes in the Union and the Member States;	
Article 7a(3), point (b)				
184v			(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;	
Article 7a(3), point (c)				
184w			(c) information about the level of preparedness in the Union and in the Member States and the possible impact of the projected situations;	
Article 7a(3), point (d)				
184x			(d) information on the capacity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			levels of the Member States;	
Article 7a(3), point (e)				
184y			(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);	
Article 7a(3), point (f)				
184z			(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.	
Article 7a(5)				
184aa			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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and unauthorised movements of third country nationals and stateless persons between the Member States, as well as the previous pressure and considering the current situation.	
Article 7a(5)				
184ab			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.	
Article 7a(4a)				
184ac			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.	
Article 7a(6), first subparagraph				
184ad			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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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 information¹. ¹ Council decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU)	
Article 7a(6), second subparagraph				
184ae			The first Report shall be issued by [15 October of the year after the year of the entry into force of this Regulation].	
Article 7a(7), first subparagraph				
184af			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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7a(7), second subparagraph				
184ag			The Commission shall convene a restricted meeting of the Migration Preparedness and Crisis Blueprint Network¹ 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. 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)	
Article 7a(7), third subparagraph				
184ah			The Member States and the relevant Union agencies shall provide the Commission with updated information by 1 September of each year.	
Article 7a(7), fourth subparagraph				
184ai			The Commission shall convene a restricted meeting of the Migration Preparedness and Crisis Blueprint Network by 30 September of each year to present the consolidated assessment of the situation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7b				
184aj			Article 7b Information for assessing the overall migratory situation, migratory pressure, risk of migratory pressure or significant migratory situation	
Article 7b(1)				
184ak			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:	
Article 7b(1), point (a)				
184al			(a) the number of applications for international protection by third-country nationals and the nationality of the applicants;	
Article 7b(1), point (c)				
184am			(c) the number of return decisions that respect Directive 2008/115/EC;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7b(1), point (d)				
184an			(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)				
184ao			(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)				
184ap			(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)				
184aq			(g) the number of transfers carried out in accordance with Article 35;	
Article 7b(1), point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184ar			(i) the number of persons refused entry in accordance with Article 14 of Regulation EU (No) 2016/399;	
Article 7b(1), point (j)				
184as			(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)				
184at			(k) the number of identified unaccompanied minors;	
Article 7b(1), point (l)				
184au			(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)				
184av			(m) the number of first instance and final asylum decisions.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7b(1), point (l)				
184aw			(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 Council¹; 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.	
Article 7b(1), point (ba)				
184ax			(ba) the number of third country nationals or stateless persons enjoying temporary protection in accordance with Directive 2001/55/EC.¹	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 7b(1), point (h)				
184ay			(h) the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border;	
Article 7b(1), point (ha)				
184az			(ha) the number of attempted irregular border crossings, provided that the data is available and verifiable;	
Article 7b(2)				
184ba			2. The Commission shall also take into account the following:	
Article 7b(2), point (a)				
184bb			(a) the information presented by the Member State, including the estimation of needs, capacity and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			preparedness measures and any additional relevant information provided in the national strategy referred to in Article 6(3) [...];	
Article 7b(2), point (b)				
184bc			(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)				
184bd			(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)				
184be			(d) the relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Recommendations provided for in Article 15 of Council Regulation (EU) No 1053/2013¹, Article 13, 14 and 22 of Regulation (EU) 2021/2303² [...] and Article 32(7) of Regulation (EU) 2019/1896³; 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. 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 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	
Article 7b(2), point (e)				
184bf			(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)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7b(2), point (f)				
184bg			(f) the Migration Management Report and the Commission Decision referred to in Article 7a where available [...];	
Article 7b(2), point (g)				
184bh			(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)				
184bi			(h) information from the visa liberalisation reporting process and dialogues with third countries;	
Article 7b(2), point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184bj			(i) quarterly bulletins on migration, and other reports, of the European Union Agency for Fundamental Rights.	
Article 7b(2), point (j)				
184bk			(j) the support provided by Union Agencies to the [...] Member States;	
Article 7b(2), point (k)				
184bl			(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)				
184bm			(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)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184bn			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				
184bo			Article 7c Commission Recommendation regarding the Solidarity Pool and other appropriate measures	
Article 7c(1)				
184bp			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)				
184bq				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			2. The Recommendation shall identify the annual numbers for relocations and for financial contributions at Union level, which shall at least be:	
Article 7c(2), point (a)				
184br			(a) 30 000 for relocations;	
Article 7c(2), point (b)				
184bs			(b) EUR 600 million for financial contributions.	
Article 7c(3), first subparagraph				
184bt			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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			pledged solidarity contributions.	
Article 7c(3), second subparagraph				
184bu			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)				
184bv			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				
184bw			Article 7d	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			The High-Level EU Migration Forum and Technical-Level EU Migration Forum	
Article 7d(1), first subparagraph				
184bx			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.	
Article 7d(1), second subparagraph				
184by			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.	
Article 7d(2)				
184bz			2. The High-Level Migration Forum shall consider the Report	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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)				
184ca			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)				
184cb			4. In order to ensure the smooth functioning of Part IV of this Regulation, a Technical-Level EU Migration	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
III				
185	III PART III	III PART III	~~PART III~~ ~~PART III~~ CRITERIA AND MECHANISMS FOR DETERMINING THE MEMBER STATE RESPONSIBLE	
CHAPTER I				
186	CHAPTER I GENERAL PRINCIPLES AND SAFEGUARDS	CHAPTER I GENERAL PRINCIPLES AND SAFEGUARDS	CHAPTER I GENERAL PRINCIPLES AND SAFEGUARDS	
Article 8				
187	Article 8	Article 8	Article 8	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Access to the procedure for examining an application for international protection	~~Access to the procedure~~ <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	
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 or the clauses set out in Chapter III of Part III indicate is responsible.	
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 ~~responsible~~ 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 responsible for examining it, <u>pursuant to Article 21</u> .	2. Without prejudice to the rules set out in part IV of this Regulation , 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 ~~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~~ <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 or the clauses set out in Chapter III of Part III in order to establish whether another Member State can be designated as responsible.	
Article 8(3), second subparagraph				
191	Where a Member State cannot carry	Where a Member State cannot carry	Where a Member State cannot carry	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	out the transfer pursuant to the first subparagraph ~~to any~~ <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> .	out the transfer pursuant to the first subparagraph to any Member State designated on the basis of the criteria set out in Chapter II or the clauses set out in Chapter III of Part III or to the first Member State with which the application was registered, that Member State shall become the Member State responsible.	
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 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.	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 applicant a ~~danger to national~~ <u>threat to internal</u> security ~~or public order~~ 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.	4. If a security check provided for in Article 11 of Regulation (EU) XXX/XXX [Screening Regulation ~~Screening Regulation~~] has not been carried out pursuant to that Regulation , the first Member State in which the application for international protection was registered shall examine whether there are reasonable grounds to consider that the applicant ~~a danger to national~~ poses a security or public order of that risk to the [...] Member ~~State~~ States 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 ~~danger to national security or public order~~ threat to internal security 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~~ 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 ~~that the applicant poses a danger to national security or public order of that Member State~~ that the applicant poses a risk to the [...] Member States, 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.	
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	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~~ threat to internal security of the	Where the security check carried out in accordance with Article 11 of Regulation (EU) XXX/XXX [~~Screening Regulation~~ Screening Regulation] or in accordance with the first and second subparagraphs of this paragraph shows that there are reasonable grounds to consider ~~that the applicant poses a security risk to the [...]~~ that the applicant poses a security risk to the [...] Member States, a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	out the security check, that Member State shall be the Member State responsible.	Member State carrying out the security check, that Member State shall be the Member State responsible.	~~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, and Article 29 shall not apply.	
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 [~~Asylum Procedure Regulation~~ Asylum Procedure Regulation].	
Article 9				
196	Article 9 Obligations of the applicant	Article 9 ~~Obligations~~ <u>Cooperation</u> of the applicant <u>with the competent authorities</u>	Article 9 Obligations of the applicant	
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</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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>national or stateless person is legally present.</i></u>		
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><i>who intends to make an application for international protection</i></u> is in possession of a ~~valid~~ residence permit or a <u><i>visa, either</i></u> valid ~~visa~~ <u><i>or which has expired</i></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.	
Article 9(2), second subparagraph				
199	Where a third-country national or 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>	Where a third-country national or stateless person who intends to make an application for international protection is in possession of a residence permit or visa which ~~has~~ have expired, were annulled, withdrawn or revoked [...] , the application shall be made and registered in the Member State where he or she is present.	
Article 9(3)				
200	3. The applicant shall fully cooperate with the competent	3. The applicant shall fully cooperate with the competent	3. The applicant shall fully cooperate with the competent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	authorities of the Member States in matters covered by this Regulation, in particular by submitting <u>and disclosing</u>, 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~~<u>to determine</u> 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~~<u>The competent authority shall set a reasonable time limit within the period referred to in Article 29(1) for submitting such evidence, taking into account the circumstances of the individual case and shall inform the applicant thereof.</u>	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. 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]. 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.	
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>responsible, in particular regarding unaccompanied minors and family reunification.</u>		
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:	
Article 9(4), point (a)				
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)				
203	(b) the Member State responsible;	(b) the Member State responsible;	(b) the Member State responsible;	
Article 9(4), point (c)				
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 ~~57(9)~~ <u>57(8)</u> .	(c) the Member State of relocation following a transfer pursuant to Article 57(9).	
Article 9(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 ~~57(8)~~ <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 cooperate with the authorities and comply with that decision.	
205a		<u>5a. Member States shall take into account the individual circumstances of the applicant when applying this Article.</u>		
Article 10				
206	Article 10 Consequences of non-compliance	<i>deleted</i>	Article 10 Consequences 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	<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 [Reception Conditions Directive ~~Reception Conditions Directive~~] pursuant to accordance with [...] 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 Union, and international obligations.		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~~ 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 Union, and international obligations.	
Article 10(2)				
208	2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) shall not be taken into account by the competent authorities.	<i>deleted</i>	2. Elements and information relevant for determining the Member State responsible submitted after expiry of the time limit referred to in Article 9(3) ~~shall not~~ do not have to be taken into account by the competent authorities.	
208a		<u>Article 10a</u> <u>Reception conditions in a Member State other than the one in which the applicant is required to be present</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>	PUBLIC	
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>		
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>proportionate.</u>		
Article 11				
209	Article 11 Right to information	Article 11 Right to information	Article 11 Right to information	
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 ~~at the latest~~ <u>in any event by the date</u> when an application for international protection is registered in a Member State, its competent authorities shall ~~inform~~ <u>provide</u> the applicant <u>with information</u> 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.~~ <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:	
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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
211a		<u>(aa) the objectives of this Regulation;</u>		
211b		<u>(ab) the cooperation expected by the applicant with the competent authorities as set out in Article 9;</u>		
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>		
Article 11(1), point (b)				
212	(b) of the objectives 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	(b) ~~of the objectives 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~~	(b) of the objectives of part III 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	applicant shall only be entitled to the reception conditions as set out in Article 10(1);	~~applicant shall only be entitled to the reception conditions as set out~~ <u>in during the phases of determining the Member State responsible, in particular</u> Article 10(1);	that the applicant shall only be entitled to the reception conditions as set out in Article 10(1);	
Article 11(1), point (c)				
213	(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 <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;	
213a		<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	(d) ~~of the aim~~ <u>the right to and purpose</u> of the personal interview pursuant to Article 12, <u>the procedure</u> and the obligation to submit ~~and substantiate~~ orally or through the provision of documents information as soon as possible in	(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 or other information as soon as possible in the procedure any relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	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;	
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, ~~visas or educational diplomas~~ or visas [...];	
Article 11(1), point (ea)				
215a		<u><i>(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;</i></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];	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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) ~~of~~ the possibility <u>and arrangements</u> to challenge a transfer decision within the time ~~limit~~ <u>limits</u> 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)~~ <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>	(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);	
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) ~~of~~ the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;	(g) in case of an appeal or review, of the right to be granted, on request, legal assistance free of charge where the person concerned cannot afford the costs involved;	
Article 11(1), point (ga)				
217a			(ga) of the fact that absconding will lead to an extension of the time limit in accordance with Article 35;	
Article 11(1), point (h)				
218	(h) that the competent authorities of	(h) <u>the fact</u> that the competent	(h) that the competent authorities of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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;	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;	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;	
Article 11(1), point (i)				
219	(i) of 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)				
220	(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 protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;	(j) ~~of~~ the right of access to data relating to ~~him or her~~ <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 protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;	(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 protection authorities responsible for hearing claims concerning the protection of personal data, and of the contact details of the data protection officer;	
220a		<u>(ja) the protection of natural persons with regard to the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>processing of personal data in accordance with Union or national law;</u>		
Article 11(1), point (k)				
221	(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 guarantees and rights applicable to the applicant,~~ the role and responsibilities of the ~~representative and of~~ <u>applicant's guardian and</u> the procedure to file complaints against a ~~representative~~ <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;	
221a		<u>(ka) where applicable, the fact that an age assessment or a DNA-test to prove family-link will be carried out;</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>	
222a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>		
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 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.	<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 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				
224	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.	
Article 11(2), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
224a			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.	
Article 11(3)				
225	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 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.	<i>deleted</i>	3. The Asylum Agency shall, in close cooperation with the responsible national ~~agencies~~ authorities [...], draw up common information material, as well as a specific leaflet for unaccompanied minors, containing 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 [Eurodac Regulation ~~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.	
225a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 11a</u> <u>Accessibility of information</u>		
225b		<u>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.</u>		
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>		
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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
225e		<u>Where necessary for the applicant's proper understanding, the information shall also be supplied orally, with the support of multimedia equipment.</u>		
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>		
225g		<u>The common information material referred to in the first subparagraph shall be available online, on an open and easily</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>accessible platform for applicants.</u>		
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>		
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>		
225j		<u>Article 11b Right to legal assistance and representation</u>		
225k		<u>An applicant shall, in accordance with Article 14 of Regulation (EU) xxx/xxx [Asylum Procedure</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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>		
Article 12				
226	Article 12 Personal interview	Article 12 Personal interview	Article 12 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. ~~The interview shall also to~~ allow the proper understanding of the ~~information supplied to~~ <u>specific individual situation of</u> the applicant <u>and the information he or she received</u> in accordance with Article 11.	1. In order to facilitate the process of determining the Member State responsible, the determining Member State referred to in Article 28(1) shall conduct a personal interview with the applicant for the purpose of application of Article 29 . The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with Article 11.	
Article 12(1), second subparagraph				
227a		<u>The determining Member States shall proactively ask question on all</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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>		
Article 12(2)				
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:	
Article 12(2), point (a)				
229	(a) the applicant has absconded;	(a) the applicant has absconded, <u>and is not available to the authorities;</u>	(a) the applicant has absconded;	
Article 12(2), point (b)				
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;	
Article 12(2), point (c)				
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	(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</u>	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	<u>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 period referred to in Article 29(1). <u>unless the applicant requests the personal interview</u> .	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).	
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.	
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	4. The personal interview shall be conducted in ~~a language that~~ the applicant <u>'s mother tongue or in a language that the applicant understands</u> ~~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	4. The personal interview shall be conducted in a language that the applicant understands or ~~is~~ may [...] reasonably ~~supposed~~ be expected [...] to understand and in which he or she is able to communicate. Interviews of unaccompanied, and where applicable, accompanied minors shall be conducted in a child-friendly manner, by staff who are appropriately trained ~~and~~ qualified [...] under national law,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex.	under national law, in the presence of the ~~representative~~ <u>guardian</u> and, where applicable, the minor's legal advisor. Where necessary, Member States shall have recourse to ~~an~~ <u>a</u> <u>qualified</u> interpreter, and where 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.	taking into account in particular the age and maturity of the minor , 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 conducting the personal interview. The applicant may request to be interviewed and assisted by staff of the same sex [...].~~ 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.	
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>		
Article 12(5)				
234	5. The personal interview shall take	5. The personal interview shall take	5. The personal interview shall take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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) 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.	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> <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 ~~special~~ <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.	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) XXX/XXX [~~Asylum Procedure Regulation~~ 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.	
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	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</u>	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>elements of the summary shall be verified by the applicant, and where relevant, by the guardian or legal representative. The</u> 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, <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>	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.	
Article 13				
236	Article 13 Guarantees for minors	Article 13 Guarantees for minors	Article 13 Guarantees for minors	
Article 13(1), first subparagraph				
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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				
238	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.	2. ~~Each~~ Member ~~State~~<u>States</u> where ~~an~~ unaccompanied ~~minor is~~<u>minors</u> ~~are~~ present shall ensure that ~~he or she is~~<u>they are</u> represented and assisted by a <u>guardian and legal</u> representative with respect to the ~~relevant~~ procedures provided for in this Regulation. The ~~representative~~<u>guardian</u> shall have the <u>resources</u>, qualifications, training, <u>expertise and independence</u> ~~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~~<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 ~~and shall inform the minor accordingly about the procedure.~~	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.	
Article 13(2), second subparagraph				
239				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	Where an organisation is appointed as a ~~representative~~ <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.	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.	
Article 13(2), third subparagraph				
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 ~~representative~~ <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 ~~representative~~ <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.</u> ~~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	3. ~~The representative of an unaccompanied minor shall be involved[...]~~ In the process of establishing the Member State responsible under this Regulation, the Member States shall involve the representative of an unaccompanied minor. 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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 minor have access to information, legal advice and representation.</u>	other actors, such as family tracing organisations, where appropriate for that purpose.	
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 factors 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</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
		<u>trauma, specific health needs and disability</u> , taking into particular consideration the minor's <u>ethnic, religious, cultural and linguistic background, and having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services</u> ;		
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	(e) where the applicant is an unaccompanied minor, the information provided by the ~~representative~~ <u>guardian</u> in the Member State where the	(e) where the applicant is an unaccompanied minor, the information provided by the representative in the Member State where the unaccompanied minor is	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	present.	unaccompanied minor is present.	present.	
247a		<u>(ea) any other reasons relevant to the assessment of the best interest of the child.</u>		
Article 13(5)				
248	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	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~~ <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	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~~ <u>that notify [...]</u> the Member State responsible or the Member State of relocation, which shall confirm that all appropriate [...] takes the measures referred to in Articles 14 and 23 of Directive XXX/XXX/EU ~~[Reception Conditions Directive]~~ <u>Reception Conditions Directive</u> and Article 22 of Regulation (EU) XXX/XXX ~~[Asylum Procedure Regulation]~~ <u>Asylum Procedure Regulation</u> will be taken 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 relevant factors listed in paragraph 4 and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that the best interests of the minor are taken into consideration.	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.	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~~ without delay [...] by appropriately trained staff [...] to ensure that the best interests of the minor are taken into consideration.	
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 ~~the~~ <u>an</u> unaccompanied minor's application for international protection was registered shall, ~~as soon as possible,~~ <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 first 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 undertaken on a confidential basis, as to avoid jeopardising their safety.</i></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><i>and the identification of vulnerabilities or trauma, and on the right of the child.</i></u>	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 relevant for the application of this Regulation.	
Article 13(7), first subparagraph				
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	7. With a view to facilitating the appropriate action to identify the family members or relatives of ~~the~~ <u><i>an</i></u> unaccompanied minor living in the territory of another Member State pursuant to paragraph 6, the Commission shall adopt	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	~~implementing acts including a standard form for the exchange of relevant information between Member States. Those implementing acts shall be adopted~~ <u>delegated acts</u> in accordance with ~~the examination procedure referred to in Article 67(2).~~ <u>Article 68 on:</u>	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)				
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 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				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
252h		<u><i>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 the child, with the informed consent of the child or his or her guardian.</i></u>		
CHAPTER II				
253	CHAPTER II CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE	CHAPTER II CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE	CHAPTER II CRITERIA FOR DETERMINING THE MEMBER STATE RESPONSIBLE	
Article 14				
254	Article 14 Hierarchy of criteria	Article 14 Hierarchy of criteria	Article 14 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.	
Article 14(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
Article 14(2), first subparagraph a				
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 Unaccompanied minors	Article 15 ~~Unaccompanied~~ Minors	Article 15 Unaccompanied minors	
257a		<u>-1. Where a minor is accompanied</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 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.	
Article 15(2), first subparagraph				
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	2. The Member State responsible shall be that where a family member of the unaccompanied minor is legally present, ~~unless it is demonstrated that~~ <u>if</u> 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	2. The Member State responsible shall be that where a family member or a sibling 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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, unless it is demonstrated that it is not in the best interests of the minor.	
Article 15(2), second subparagraph				
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>		
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>expresses in writing a wish to be reunified with his or her spouse and it is in the best interest of the minor.</u></i>		
Article 15(3)				
260	3. Where the applicant has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member 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.	3. Where the applicant has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member State shall unite the minor with his or her relative and shall be the Member State responsible, ~~unless it is demonstrated~~ <i>provided</i> that it is ~~not~~ in the best interests of the minor.	3. Where the applicant has a relative who is legally present in another Member State and where it is established, based on an individual examination, that the relative can take care of him or her, that Member 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, siblings 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	5. In the absence of a family member or a relative as referred to in paragraphs 2 and 3, the Member	5. In the absence of a family member, siblings or a relative as referred to in paragraphs 2 and 3, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	State responsible shall be that where the ~~unaccompanied~~ minor's ~~application for international protection was first registered~~ <u>is present</u> , unless it is demonstrated that this is not in the best interests of the minor.	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				
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, siblings 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	<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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	minor are staying in more than one Member State.		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 under Article 13(4).	<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 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 Family members who are beneficiaries of international protection	Article 16 Family members who ~~are~~ ~~beneficiaries of international protection~~ <u>legally reside in a Member State</u>	Article 16 Family members who are beneficiaries of international protection	
Article 16, first paragraph				
270				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 ~~reside as a beneficiary of international protection~~ <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.	
Article 17				
271	Article 17 Family members who are applicants for international protection	Article 17 Family members who are applicants for international protection	Article 17 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 ~~first~~ <u>final</u> decision ~~regarding the substance~~ <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 ~~in a Member State~~ <u>[...]</u> whose application for international protection in ~~that~~ <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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18				
273	Article 18 Family procedure	Article 18 Family procedure	Article 18 Family procedure	
Article 18, first paragraph				
274	Where several family members 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:	<u>1.</u> Where several family members 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:	Where [...] applications for international protection by several family members submit applications for international protection or minor unmarried siblings were registered 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 or minor unmarried siblings shall lie with the Member State which the criteria indicate is responsible for taking charge of the largest number of them;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	~~(b)~~ (a) 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.	
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 Issue of residence documents or visas	Article 19 Issue of residence documents or visas	Article 19 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.	
Article 19(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 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.	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 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.	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 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:	
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	(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of	(a) the Member State which issued the residence document conferring the right to the longest period of residency or, where the periods of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	validity are identical, the Member State which issued the residence document having the latest expiry date;	validity are identical, the Member State which issued the residence document having the latest expiry date;	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 the same type the Member State which issued the visa having the latest expiry date;	(b) where the various visas are of the same type the Member State which issued the visa having the latest expiry date;	(b) where the various visas are of 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.	
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 <i>less than three years</i> 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 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 [...] less than three years 18 months, [...] before the application was	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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.	5. The fact that the residence document or visa was issued on the basis of a false or assumed identity 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.	5. The fact that the residence document or visa was issued on the basis of a false or assumed identity 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.	
285a		<u>Article 19a</u> <u>Previous stay</u>		
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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20				
286	Article 20 Diplomas or other qualifications	Article 20 Diplomas or other qualifications	<i>deleted</i>	
Article 20(1)				
287	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	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	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.		
288a		<u>Article 20a</u> <u>Visa waived entry</u>		
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>		
288c		<u>Article 20b</u> <u>Application in an international transit area of an airport</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 responsible for examining the application.</u>		
Article 21				
289	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	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~~ <u>twelve months</u>	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~~ 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which that border crossing took place.	after the date on which that border crossing took place.	32 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 was disembarked on the territory following a search and rescue operation.	2. The rule set out in paragraph 1 shall ~~also not~~ apply where the applicant was disembarked on the territory following a search and rescue operation <u>or activity</u> .	2. Notwithstanding the first paragraph, 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 ~~The rule set out in paragraph 1 shall also apply where the applicant was~~ 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.	
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	3. ~~Paragraphs 1 and 2~~ <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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 shall be responsible for examining the application for international protection.	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 shall be responsible for examining the application for international protection.	Regulation, including the data referred to in Regulation (EU) XXX/XXX [~~Eurodac Regulation~~ 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 shall be responsible for examining the application for international protection.	
Article 22				
293	Article 22 Visa waived entry	<i>deleted</i>	Article 22 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. ~~That responsibility shall cease if the application is registered more than three years after the date on which the person entered the territory.~~ [...]	
Article 22, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
294a			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 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 Application in an international transit area of an airport	<i>deleted</i>	Article 23 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				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	CHAPTER III DEPENDENT PERSONS AND DISCRETIONARY CLAUSES	CHAPTER III DEPENDENT PERSONS, <u>DISCRETIONARY CLAUSES</u> ~~AND LIGHT PROCEDURE AND~~ ~~DISCRETIONARY CLAUSES~~	CHAPTER III DEPENDENT PERSONS AND DISCRETIONARY CLAUSES	
Article 24				
298	Article 24 Dependent persons	Article 24 Dependent persons	Article 24 Dependent persons	
Article 24(1), first subparagraph				
299	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.	1. Where, on account of pregnancy, having a new-born child, serious illness, severe disability, severe trauma ~~or~~ , old age, <u>or other relevant 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</u>	1. Where, on account of pregnancy, having a new-born child, serious illness, severe disability, severe psychological trauma or old age, an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Member States, or his or her child, sibling 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, sibling or parent, provided that family ties existed before the applicant arrived on the territory of the Member States, that the child, sibling or parent or the applicant is able to take care of the dependent person and that the persons concerned expressed their desire in writing.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>informed of this possibility</i> , the persons concerned expressed their desire in writing.		
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, <i>sibling</i> 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, <i>sibling</i> 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, sibling 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, sibling or parent can take care of the dependent person, before making a take charge request pursuant to Article 29.	
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 the obligation to bring the child or parent of the applicant to its	2. Where the child, <i>sibling</i> 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, <i>sibling</i> 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 the obligation to bring the child or parent of the	2. Where the child, sibling 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, sibling 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 the obligation to bring the child, sibling or parent of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	territory.	applicant to its territory.	the applicant to its territory.	
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:	
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;	
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;	
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;	
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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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).	
Article 25				
308	Article 25 Discretionary clauses	Article 25 Discretionary clauses	Article 25 Discretionary clauses	
Article 25(1), first subparagraph				
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 Regulation.	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 <u>Chapter II of this Part</u> ~~this~~ Regulation.	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 Regulation.	
Article 25(1), second subparagraph				
309a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>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.</u></i>		
Article 25(1), third subparagraph				
309b		<i><u>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.</u></i>		
Article 25(2), first subparagraph				
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 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	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 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, <i><u>cultural considerations, social ties, language skills, or any other meaningful</u></i>	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 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, social or cultural considerations, even where that other Member State is not	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.	<u>links or to support a Member State under migratory pressure</u> ~~or~~ <i>cultural considerations</i> , 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.	responsible under the criteria laid down in Articles 15 to 18 and 24. The persons concerned shall express their consent in writing.	
Article 25(2), second subparagraph				
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.	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.	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.	
Article 25(2), third subparagraph				
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 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.	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 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>	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 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
312a		<u>Where the requested Member State accepts the request, responsibility for examining the application for international protection shall be transferred to it.</u>		
312b		<u>Article 25a</u> <u>Light procedure for the purpose of family reunification</u>		
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 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>		
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>responsibility shall be transferred to that Member State.</u>		
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>		
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 present in another Member State;</u>		
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>		
312h				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>	PUBLIC	
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 clarifying whether the alleged family links are correct.</u>		
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>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE	CHAPTER IV OBLIGATIONS OF THE MEMBER ~~STATE~~ ~~RESPONSIBLE~~ <u>STATES</u>	CHAPTER IV OBLIGATIONS OF THE MEMBER STATE RESPONSIBLE	
Article 26				
314	Article 26 Obligations of the Member State responsible	Article 26 Obligations of the Member ~~State~~ ~~responsible~~ <u>States</u>	Article 26 Obligations of the Member State responsible	
Article 26(1)				
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), point (a)				
316	(a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application	(a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application	(a) take charge, under the conditions laid down in Articles 29, 30 and 35, of an applicant whose application	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	was registered in a different Member State;	was registered in a different Member State;	was registered in a different Member State;	
Article 26(1), point (b)				
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) XXX/XXX [Eurodac Regulation];	(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) XXX/XXX [Eurodac Regulation];	(b) take back, under the conditions laid down in Articles 31 and 35 of this Regulation, an applicant, including the situations referred to in Article 28(4) and (5) , 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) XXX/XXX [Eurodac Regulation Eurodac Regulation];	
Article 26(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>	
Article 26(1), point (d)				
319	(d) take back, under the conditions laid down in Articles 31 and 35 of	(d) take back, under the conditions laid down in Articles 31 and 35 of	(d) take back, under the conditions laid down in Articles 31 and 35 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	
319a		<u><i>Member States shall make all necessary practical and legal arrangements to comply with their obligations under this Article.</i></u>		
Article 26(1a), first subparagraph				
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,	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,	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	family member, without the need for a written consent by the persons concerned , 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.	
Article 26(2) second subparagraph				
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.	
Article 26(3)				
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	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	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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	international protection pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation].	international protection pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation].	~~international protection pursuant to [...]~~ Regulation (EU) XXX/XXX [Asylum Procedure Regulation] shall apply.	
Article 27				
322	Article 27 Cessation of responsibilities	Article 27 Cessation of responsibilities	Article 27 Cessation of responsibilities	
Article 27(1), first subparagraph				
323	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.	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~~ <u>or</u> take back ~~notification~~ <u>the applicant</u> , using the electronic communication network set up under Article 18 of Regulation	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(EC) No 1560/2003.		
Article 27(1), second subparagraph				
324	The first subparagraph shall not apply if the person has already been granted international protection by the responsible Member State.	The first subparagraph shall not apply if the person has already been 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>deleted</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 [Eurodac Regulation Eurodac Regulation].	
Article 27(1aa), first subparagraph				
325a			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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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.	
Article 27(1aa), third subparagraph				
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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 27(1a), first subparagraph				
325d			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) 2017/2226¹ 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. 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(1a), second subparagraph				
325e			An application registered after the period of absence 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.	
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 ~~obligation laid down~~ <u>obligations specified</u> 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~~ <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 ~~11(2)(c) of Regulation (EU) XXX/XXX [Eurodac Regulation],~~ <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, ~~in compliance with a return decision or removal order issued following the withdrawal or rejection of the~~	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~~ <u>Eurodac Regulation</u>], 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
		~~application.~~ <u>unless the person concerned is in possession of a valid residence document or visa issued by the Member State responsible.</u>		
Article 27(2), second subparagraph				
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 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 or voluntary return 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				
328	CHAPTER V PROCEDURES	CHAPTER V PROCEDURES	CHAPTER V PROCEDURES	
SECTION I				
329	SECTION I Start of the procedure	SECTION I Start of the procedure	SECTION I Start of the procedure	
Article 28				
330	Article 28 Start of the procedure	Article 28 Start of the procedure	Article 28 Start of the procedure	
Article 28(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
331	1. The Member State where an application for international protection is first registered pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation] or, where applicable, the Member State of relocation shall start the process of determining the Member State responsible without delay.	1. The Member State where an application for international protection is first registered pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation] ~~or, where applicable, the Member State of relocation~~ shall start the process of determining the Member State responsible without delay.	1. The Member State where an application for international protection is first registered pursuant to Regulation (EU) XXX/XXX [Asylum Procedure Regulation] ~~Asylum Procedure Regulation~~ or, where applicable, the Member State of relocation shall start the process of determining the Member State responsible without delay.	
Article 28(1), second subparagraph				
331a		<u><i>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.</i></u>		
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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State.	leaves the territory of that Member State without authorisation or is otherwise not available to the competent authorities of that Member State.	leaves the territory of that Member State without authorisation or is otherwise not available to the competent 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 [Eurodac Regulation 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);	
Article 28(3), first subparagraph, point (aa)				
334a			(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);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 28(3), first subparagraph, point (c)				
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;	
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.	
337a		<u>(da) its responsibility pursuant to Article 58(3).</u>		
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.	
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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	process of determining the Member State responsible, shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State with which that application was first registered.	process of determining the Member State responsible, shall be taken back, under the conditions laid down in Articles 31 and 35, by the Member State with which that application was first registered ~~with~~ <u>a view to completing the process of determining the Member State responsible.</u>	process of determining the Member State responsible, shall be taken back, under the conditions laid down in Articles 31 and 35, by the ~~determining~~ Member State ~~with which that application was first registered~~ [...].	
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.	
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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Member State of relocation.	Articles 31 and 35, by the Member State of relocation.	the Member State of relocation. That 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	
Article 29				
343	Article 29 Submitting a take charge request	Article 29 Submitting a take charge request	Article 29 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 ~~the~~ 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 ~~in any event~~ at the latest [...] within two months of the date on which the application was registered, request that other Member State to take charge of the applicant.	
Article 29(1), second subparagraph				
345				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 [~~Eurodac Regulation~~ 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.	
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 application was registered.	Where the request to take charge of an applicant is not made within the periods laid down in the first ~~and second~~ <i>subparagraphs</i> <i>subparagraph</i> , responsibility for examining the application for international protection shall lie with the Member State where the application was registered.	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 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	<u>The period referred to in the first subparagraph shall start to run</u> where the applicant is an unaccompanied minor, <u>when a guardian has been appointed or when the best interest of the child assessment pursuant to Article</u>	Where the applicant is an unaccompanied minor, the determining Member State may, at any time before a first decision regarding the substance is taken , where it considers that it is in the best interest of the minor, continue	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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>13(4) has been concluded.</u> The determining Member State ~~may~~ <u>shall also</u> , where it considers that it is in the best interest of the minor <u>or the request is based on Article 16, 17 or 24</u> , 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>subparagraph</u> .	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.	
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.	
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 ~~at least one week~~ <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.	
Article 29(3), first subparagraph				
350	3. In the cases referred to in	3. ~~In the cases referred to in~~	3. In the cases referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	~~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~~ <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</u> on the ~~basis of the~~ criteria laid down in this Regulation.	paragraphs 1 and 2, the take charge request by another Member State shall 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. 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.	
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).	
Article 30				
352	Article 30 Replying to a take charge request	Article 30 Replying to a take charge request	Article 30 Replying to a take charge request	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
Article 30(2)				
354	2. Notwithstanding the first paragraph, in the case of a Eurodac 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.	<i>deleted</i>	2. Notwithstanding the first paragraph, in the case of a Eurodac hit with data recorded pursuant to Article 13 and 14a of Regulation (EU) XXX/XXX [Eurodac Regulation ~~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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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>	PUBLIC	
355b		<u>The objection referred to in the first subparagraph shall include elements of proof and circumstantial evidence.</u>		
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).	
Article 30(4), point (a)				
357				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	
Article 30(4), point (a)(ii)				
359	(ii) the Member States shall provide the Committee provided for in Article 67 with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs;	(ii) the Member States shall provide the ~~Committee provided for in Article 67~~ <u>Commission</u> with models of the different types of administrative documents, in accordance with the typology established in the list of formal proofs;	(ii) the Member States shall provide the Committee provided for in Article 67 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:	
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;	
Article 30(4), point (b)(ii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
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.	
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.	
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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(8)				
366	8. Where the requested Member State does not object to the request 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.	<i>deleted</i>	8. Where the requested Member State does not object to the request within the one-month period set out in paragraph 1 [...], or where applicable within the two-week period set out in paragraphs 2 and 7 , by a reply which gives full and detailed reasons, ~~or where applicable within the two-week period~~ substantiated reasons based on all the circumstances of the case relating to the relevant criteria set out in ~~paragraphs 2 and 7~~ Chapter II , 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. 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 ~~notifications~~ <u>requests</u>	SECTION III Procedures for take back notifications	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31				
368	Article 31 Submitting a take back notification	Article 31 Submitting a take back ~~notification~~ <u>request</u>	Article 31 Submitting a take back notification	
Article 31(1), first subparagraph				
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 ~~notification~~ <u>request</u> without delay and in any event within ~~two weeks~~ <u>one month</u> after receiving the Eurodac hit.	1. In a situation referred to in Article 26(1), point (b), ~~(c) or (d)~~ [...] 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. 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.	
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>		
Article 31(2)				
370				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 ~~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, <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.	
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 ~~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 one ~~week~~ <u>month</u> , unless the ~~notified~~ <u>requested</u> Member State can demonstrate within that time limit that ~~its responsibility has ceased~~ <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 ~~one week~~ <u>two weeks</u> [...], unless the notified Member State can demonstrate within that time limit that its responsibility has ceased pursuant to Article 27, 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] .	
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 ~~one-week~~ <u>one month</u> period set out in paragraph 3 shall be tantamount to confirming the receipt of the ~~notification~~ <u>request</u> .	4. Failure to act within the ~~one-week~~ <u>two [...]-week</u> period set out in paragraph 3 shall be tantamount to confirming the receipt of the notification.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 ~~conditions~~ <u>methods</u> for the preparation and submission of take back ~~notifications~~ <u>requests</u> . 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).	
SECTION IV				
374	SECTION IV Procedural safeguards	SECTION IV Procedural safeguards	SECTION IV Procedural safeguards	
Article 32				
375	Article 32 Notification of a transfer decision	Article 32 Notification of a transfer decision	Article 32 Notification of a transfer decision	
Article 32(1)				
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	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~~ or take back ~~notification as regards persons referred to in Article 26(1), point (b), (c) and (d)~~ <u>request was accepted</u> shall take a transfer decision at the	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)~~ ~~(e)~~ [...] and (d) shall take a transfer decision at the latest within ~~one week~~ <u>two weeks</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notification.	latest within one week of the acceptance ~~or notification~~ .	[...] of the acceptance or ~~notification~~ confirmation [...].	
Article 32(2), first subparagraph				
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 ~~an applicant or to~~ , <u>or</u> take back ~~a person referred to in Article 26(1), point (b), (c) or (d),~~ <u>an applicant</u> the requesting ~~or the notifying~~ Member State shall notify the person concerned in writing, <u>in a plain language that he or she understands, within one week without delay</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 consequences of the decision, including the time limits for carrying out the transfer and the obligation for the applicant set out in Article 9(5).</u>	2. Where the requested or notified Member State accepts to take charge of an applicant or confirms to take back a person referred to in Article 26(1), point (b), ~~(c)~~ (e) [...] or (d), the ~~requesting or the notifying~~ transferring [...] 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.	
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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>his or her own means.</u>		
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 ~~may choose to~~ <u>shall</u> 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 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.	
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, 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.	4. The decision referred to in paragraph 1 shall ~~contain~~ <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 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.~~	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, 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	Member States shall ensure that	Member States shall ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 been 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 ~~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 and the time limits applicable for seeking such remedies, in a language that the person concerned understands or is reasonably supposed to understand.	
Article 33				
382	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	1. The applicant or another person as referred to in Article 26(1), ~~point (b), (c) and (d)~~ shall have the right to	1. The applicant or another person as referred to in Article 26(1), point (b), (e) [...] and (d) shall have the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 ~~scope of the remedy~~ <u>remedy against a transfer decision</u> shall ~~be limited to an~~ <u>entail an ex nunc</u> assessment of <u>at least</u> :	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 ~~inhuman or degrading treatment for the person concerned within the meaning of Article 4 of a~~ <u>violation of a right guaranteed in</u> the Charter of Fundamental Rights;	(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;	
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).	
Article 33(2)				
387				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	2. Member States shall provide for a period of ~~two weeks~~ <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>	2. Member States shall provide for a period of ~~two~~ <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.	
Article 33(3), first subparagraph				
388	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.	<i>deleted</i>	3. The person concerned shall have the right to request, within a reasonable period of time from the notification of the transfer decision but in any event no longer than the period provided for by Member States pursuant to paragraph 2 , a court or tribunal to suspend the implementation of the transfer decision pending the outcome of his or her appeal or review. Member States 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 shall ensure that an effective remedy is in place by suspending the transfer until the decision on the first suspension request is taken. Any	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 33(3), second subparagraph				
389	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.	
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.	
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.	~~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>appeal or review</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.	
Article 33(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
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 ~~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 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	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.	
Article 33(5), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
Article 33(5), fourth subparagraph				
396	In complying with the requirements set out in this paragraph, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.	In complying with the requirements set out in this paragraph, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that effective access to justice for the person concerned is not hindered.	In complying with the requirements set out in this paragraph, Member States shall ensure that legal 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 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 and may be restricted to legal advisors or counsellors specifically designated by national law to provide assistance and representation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.~~ <u>Legal assistance shall include at least the preparation of the required procedural documents and representation before a court or tribunal.</u>	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	
Article 34				
400	Article 34 Detention	Article 34 Detention	Article 34 Detention	
Article 34(1)				
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 ~~shall not~~ <u>may</u> hold a person in detention ~~for the sole reason that he or she is subject to the procedure established by this Regulation~~ <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)				
402				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 or when protection of national security or public order so requires , 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 of the person's circumstances , 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 [...].	
402a		<u>2a. 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>		
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	<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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation is carried out.		Regulation is carried out.	
Article 34(3), second subparagraph				
404	Where an applicant or another 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.	<i>deleted</i>	Where an applicant or another 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, or two weeks after receiving the Eurodac hit when no new application has been registered in the notifying Member State. 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 determining 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			arrival.	
Article 34(3), third subparagraph				
405	Where a person is detained pursuant 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>	Where a person is detained pursuant to this Article, the transfer of that person from the ~~requesting or notifying~~ transferring [...] Member State to the Member State responsible shall be carried out as soon as practically possible, and at the latest within ~~four~~ five [...] weeks of:	
Article 34(3), third subparagraph, point (a)				
406	(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	
Article 34(3), third subparagraph, point (b)				
407	(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).	
Article 34(3), fourth subparagraph				
408	Where the requesting or notifying Member State fails to comply with the time limits for submitting a take charge request or take back	<i>deleted</i>	Where the ~~requesting or notifying~~ transferring [...] Member State fails to comply with the time limits for submitting a take charge	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 paragraph, the person shall no longer be detained. Articles 29, 31 and 35 shall continue to apply accordingly.		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~~ five [...] weeks referred to in the third 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 administrative or judicial authorities. The detention order shall state the reasons in fact and in law on which it is based. 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.	
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	<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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [Reception Conditions Directive] shall apply.		responsible, Articles 9, 10 and 11 of Directive XXX/XXX/EU [~~Reception Conditions Directive~~ Reception Conditions Directive] shall apply.	
410a		<u>Article 34a</u> <u>Time limits for detained applicants</u>		
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>		
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>		
410d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<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>		
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>		
410f		<u>(a) the date on which the request to take charge or take back was accepted, or</u>		
410g		<u>(b) the date on which the decision on appeal or review was taken.</u>		
410h		<u>4. Where the requesting Member State, for reasons beyond its control fails to comply with the time limits</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 and 35 shall continue to apply accordingly.</u>		
SECTION VI				
411	SECTION VI Transfers	SECTION VI Transfers	SECTION VI Transfers	
Article 35				
412	Article 35 Detailed rules and time limits	Article 35 Detailed rules and time limits	Article 35 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	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	1. The transfer of an applicant or of another person as referred to in Article 26(1), point (b), ~~(c) and (d),~~ [...] and (d) from the ~~requesting or notifying~~ transferring [...] Member State to the Member State responsible shall be carried out in accordance with the national law of the ~~requesting or notifying~~ transferring [...] Member State, after consultation between the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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.	latest within ~~six~~ <u>three</u> months of the acceptance of the take charge ~~request or of the confirmation of the~~ take back ~~notification~~ <u>request</u> 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). 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. ~~– or his or her~~ <u>non-compliance with the transfer decision.</u>	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 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. [...]~~	
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 ~~57(9)~~ <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).	
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 ~~respect for~~ <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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(1), fourth subparagraph				
416	If necessary, the applicant shall be 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).	If necessary, the applicant shall be 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).	If necessary, the ~~applicant~~ person concerned [...] shall be supplied by the ~~requesting or notifying~~ transferring [...] 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).	
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 ~~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 or notifying~~ transferring [...] 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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transferred to the requesting or notifying Member State.	transferred to the requesting ~~or notifying~~ <u>Member State, unless the Member State – responsible is accountable for the failure of the transfer.</u>	transferred to the requesting or notifying ~~transferring~~ [...] Member State. This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the 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.	
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 a later stage, should the person become available to the authorities again, unless another Member State has carried out the procedures in	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 <u>one year from when the requesting Member State informed the Member State responsible</u> ~~the remaining time at a later stage~~ , should the person	~~Notwithstanding the first subparagraph, where~~ If 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 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 than three months , the transferring Member State shall ~~retain the right to carry out the transfer within the remaining time at a later stage,~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with this Regulation and transferred the person to the responsible Member State after the person absconded.	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.	~~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.~~ transfer. [...]	
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.	
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 default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with	4. The Commission shall, by means of implementing acts, establish uniform ~~conditions~~ <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 default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with	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 default, transfers of minors or dependent persons, and supervised transfers. Those implementing acts shall be adopted in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the examination procedure referred to in Article 67(2).	the examination procedure referred to in Article 67(2).	the examination procedure referred to in Article 67(2).	
Article 36				
422	Article 36 Costs of transfer	Article 36 Costs of transfer	Article 36 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 ~~17~~ ²⁰ of Regulation (EU) ~~XXX/XXX~~ ~~[Asylum and Migration Fund]~~ ^{2021/1147} , 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 ~~17~~ ²⁰ of Regulation (EU) ~~XXX/XXX~~ ~~[Asylum and Migration Fund]~~ ^{2021/1147} [...], 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)~~ , [...] 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 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.	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 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.	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 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
Article 37				
426	Article 37 Exchange of relevant information before a transfer is carried out	Article 37 Exchange of relevant information before a transfer is carried out	Article 37 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 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	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 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	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 provide that person with adequate assistance, including the provision of immediate health care required in order to protect his or her vital	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 ~~special~~ <i>specific</i> 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:	
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 addressed, including any immediate health care that may be required;	(a) any immediate measures which the Member State responsible is required to take in order to ensure that the ~~special~~ <i>specific</i> needs of 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>	(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 addressed, including any immediate health care that may be required;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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;	
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;	
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) where applicable , 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 [Screening Regulation].	(e) information collected during the screening in accordance with Article 13 of Regulation (EU) XXX/XXX [Screening Regulation].	(e) ~~information collected during~~ where applicable , the screening ~~in accordance with form pursuant to [...]~~ Article 13 of Regulation (EU) XXX/XXX ~~[Screening Regulation]~~ Screening Regulation , including any evidence referred to on the form.	
433a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ea) any other relevant information.</u>		
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.	
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 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).	4. With a view to facilitating the exchange of information between Member States, the Commission shall, by means of ~~implementing~~ <u>delegated</u> acts, draw up a standard form for the transfer of the data required pursuant to this Article. Those ~~implementing~~ <u>delegated</u> acts shall be adopted in accordance with the examination procedure laid down in Article ~~67(2)~~ <u>68</u> .	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 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)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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.	
Article 38				
437	Article 38 Exchange of security-relevant information before a transfer is carried out	Article 38 Exchange of security-relevant information before a transfer is carried out	Article 38 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 the Member State responsible.	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~~ <u>threat to internal</u> security ~~or public order~~ in a Member State, that Member State shall also communicate such information to the Member State responsible.	For the purpose of application of Article 31 , where the Member State carrying out a transfer is in possession of information that indicates that there are reasonable grounds to consider that 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, [...]~~ or (d), poses a security risk to the Member States, the competent authorities of that Member State shall also communicate indicate the existence of [...] such information to the Member State responsible. The information shall be shared between the law enforcement authorities or other competent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			authorities of the Member States through the appropriate channels for such information exchange.	
Article 39				
439	Article 39 Exchange of health data before a transfer is carried out	Article 39 Exchange of health data before a transfer is carried out	Article 39 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 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	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, 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	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 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	adequately addressed, including in particular any essential medical care that may be required.	State responsible shall ensure that those special needs are adequately addressed, including in particular any essential medical care that may be required.	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).	
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 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.	2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the Member State responsible after having obtained the explicit consent of the applicant and/or of his or her ~~representative~~ <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	2. The transferring Member State shall only transmit the information referred to in paragraph 1 to the Member State responsible after 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.	
Article 39(4)				
444	4. The exchange of information under this Article shall only take place between the health professionals or other persons referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.	4. The exchange of information under this Article shall only take place between the health professionals or other persons referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 and shall not be further processed.	4. The exchange of information under this Article shall only take place between the health professionals or other persons referred to in paragraph 3. The information exchanged shall only be used for the purposes set out in paragraph 1 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	5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph	5. The Commission shall, by means of implementing acts, adopt uniform conditions and practical arrangements for exchanging the information referred to in paragraph	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).	1. Those implementing acts shall be adopted in accordance with the examination procedure laid down in Article 67(2).	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.	
CHAPTER VI				
447	CHAPTER VI ADMINISTRATIVE COOPERATION	CHAPTER VI ADMINISTRATIVE COOPERATION	CHAPTER VI ADMINISTRATIVE COOPERATION	
Article 40				
448	Article 40 Information sharing	Article 40 Information sharing	Article 40 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:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(1), point (a)				
450	(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;	
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.	
452a		<u>(ca) implementing a return decision.</u>		
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:	
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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	name; nicknames or pseudonyms; nationality, present and former; date and place of birth);	name; nicknames or pseudonyms; nationality, present and former; date and place of birth);	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 ~~papers~~ 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 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];	(c) other information necessary for establishing the identity of the person concerned, including 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];	(c) other information necessary for establishing the identity of the person concerned, including 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~~ Eurodac Regulation];	
Article 40(2), point (d)				
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)				
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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(2), point (f)				
459	(f) the place where the application was lodged;	(f) the place where the application was ~~lodged~~ <u>made</u> ;	(f) the place where the application was lodged;	
Article 40(2), point (g)				
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 proceedings and the decision taken, if any.	(g) the date on which any previous application for international protection was ~~lodged~~ <u>made</u> , the date on which the current application was registered, the stage reached in the proceedings and the decision taken, if any.	(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 proceedings and the decision taken, if any.	
Article 40(3)				
461	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	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	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~~ Where the Member State may refuse to respond to the request submitted to it, if the communication of such responsible applies Article 42 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	concerned or of others. ~~In any event, communication of the information requested~~ <u>The applicant</u> shall be ~~subject to the written approval of the applicant for international protection, obtained~~ <u>informed about the specific information requested</u> 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>and the reason for the request in advance.</u>	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 enabling the competent 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. [...]	
Article 40(4)				
462	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.	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 competence of a Member State under this Regulation, but it may contribute to the evaluation of other indications relating to an individual applicant.	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 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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 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).	6. The exchange of information shall be effected at the request of a 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).	6. The exchange of information shall be effected at the request of a 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:	
Article 40(7), point (a)				
466				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	
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.	
Article 40(8)				
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)				
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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission and receipt of information exchanged.	transmission and receipt of information exchanged. <u>The security and confidentiality of that record shall be ensured.</u>	transmission and receipt of information exchanged.	
Article 41				
471	Article 41 Competent authorities and resources	Article 41 Competent authorities and resources	Article 41 Competent authorities and resources	
Article 41(1)				
472	1. Each Member State shall notify the Commission without delay of the 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.	1. Each Member State shall notify the Commission without delay of the 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.	1. Each Member State shall notify the Commission without delay of the 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 once a year.	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 once a year.	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 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.	
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	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	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 Eurodac Regulation], requests, notifications, replies and all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	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).	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	Article 42 Administrative arrangements	Article 42 Administrative arrangements	Article 42 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:	
Article 42(1), point (a)				
478	(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	(b) simplification of the procedures and shortening of the time limits	(b) simplification of the procedures and shortening of the time limits	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relating to transmission and the examination of requests to take charge of or take back applicants;	relating to transmission and the examination of requests to take charge of or take back applicants;	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.	
Article 42(2)				
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)				
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.	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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42(4)				
483	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 reasonable time in such a way as to eliminate any incompatibilities observed.	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 reasonable time in such a way as to eliminate any incompatibilities observed.	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 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.	
Article 43				
485	Article 43 Network of responsible units	Article 43 Network of responsible units	Article 43 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	The Asylum Agency shall set up and facilitate the activities of a network <u>or networks</u> of the competent	The Asylum Agency shall set up and facilitate the activities of a network of the competent authorities referred	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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.	
486a		<u>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.</u>		
CHAPTER VII				
487	CHAPTER VII CONCILIATION	CHAPTER VII CONCILIATION	CHAPTER VII CONCILIATION	
Article 44				
488	Article 44 Conciliation	<i>deleted</i>	Article 44 Conciliation	
Article 44(1), first subparagraph				
489	1. In order to facilitate the proper functioning of the mechanisms set up under this Regulation and resolve difficulties in the application thereof,	<i>deleted</i>	1. In order to facilitate the proper functioning of the mechanisms set up under this Regulation and resolve difficulties in the application thereof,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		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.	
Article 44(1), second subparagraph				
490	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.	<i>deleted</i>	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.	
Article 44(2), first subparagraph				
491	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	<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 Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		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				
492	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.	
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.	
IV				
494				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	IV PART IV	IV PART IV	PART IV PART IVSOLIDARITY	
CHAPTER I				
495	CHAPTER I SOLIDARITY MECHANISMS	CHAPTER I SOLIDARITY MECHANISMS	CHAPTER I SOLIDARITY MECHANISMSMECHANISM	
Article 44a				
495a			Article 44a Solidarity Pool	
Article 44a(1)				
495b			1. The Solidarity Pool, which includes the contributions contained in the Council Implementing act referred to in Article 44b as pledged by the Member States during the meeting of the High Level EU Migration Forum, shall serve as the main solidarity response tool on the basis of the Recommendation referred to in Article 7c.	
Article 44a(2)				
495c			2. The Solidarity Pool shall consist of the following types of solidarity measures, which shall be considered of equal value:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44a(2), point (a)				
495d			(a) relocation, in accordance with Articles 57 and 58:	
Article 44a(2), point (a)(i)				
495e			(i) of applicants for international protection;	
Article 44a(2), point (a)(ii)				
495f			(ii) where bilaterally agreed by the contributing and benefitting Member State concerned, of beneficiaries of international protection who have been granted international protection less than three years prior to the adoption of the Council implementing act establishing the Solidarity Pool, or for the purpose of return of illegally staying third-country nationals or stateless persons;	
Article 44a(2), point (b)				
495g			(b) financial contributions provided by Member States primarily aiming at projects related to the area of migration, border management and asylum	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			or at projects in third countries that may have a direct impact on the flows at the external borders or may improve the asylum, reception and migration systems of the third country concerned, including assisted voluntary return and reintegration programmes and anti-trafficking or anti-smuggling programmes, in accordance with Article 44i;	
Article 44a(2), point (c)				
495h			(c) alternative solidarity measures focusing on capacity building, services, staff support, facilities and technical equipment in accordance with Article 44j.	
Article 44b				
495i			Article 44b Establishment of the Solidarity Pool	
Article 44b(1)				
495j			1. The Council shall adopt, on an annual basis, before the end of each calendar year, an implementing act to establish the Solidarity Pool for the year concerned in accordance with the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			result of the pledging exercise carried out at the High Level Migration Forum.	
Article 44b(2)				
495k			2. During the High Level Migration Forum meeting referred to in Article 7d, Member States shall come to a conclusion regarding an overall reference number for each solidarity measure in the Solidarity Pool, taking fully into account the level of solidarity needs identified in the Recommendation referred to in Article 7c, and pledge their contributions to this Pool in accordance with paragraph 3 of this Article and the mandatory fair share calculated according to the distribution key set out in Article 44k.	
Article 44b(3)				
495l			3. In implementing paragraph 2, contributing Member States shall have full discretion in choosing between the types of solidarity measures listed in Article 44a(2), points (a), (b) and point (c), or a combination of them. Member States pledging alternative solidarity measures shall indicate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			their financial value based on objective criteria. In case the alternative solidarity measures are not identified in the Recommendation referred to in Article 7c, Member States may still pledge those. In case those measures are not requested by the benefitting Member State in a given year, they shall be converted into financial contributions.	
Article 44b(4)				
495m			4. Following the adoption of the Council implementing act referred to in paragraph 1, the Commission shall convene the Technical-Level EU Migration Forum as needed.	
Article 44c				
495n			Article 44c Information regarding the intention to use the Solidarity Pool by a Member State identified in the Commission Decision as under migratory pressure	
Article 44c(1)				
495o			1. A Member State that is identified in the Decision referred to in Article 7a as being under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			migratory pressure may, after the adoption of the Council implementing act referred to in Article 44b, inform the Commission and the Council of its intention to make use of the Solidarity Pool.	
Article 44c(2)				
495p			2. The Member State concerned shall include in the information the type and level of solidarity measures as referred to in Article 44a needed to address the situation and a substantiated reasoning in support thereof, including where relevant any use made of the components of the Toolbox.	
Article 44c(3)				
495q			3. The Commission shall convene the Technical Level Migration Forum within ten days of receiving the information.	
Article 44d				
495r			Article 44d Notification of the need to use the Solidarity Pool by a Member State that consider itself under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			migratory pressure	
Article 44d(1)				
495s			1. A Member State that is not identified in the Decision referred to in Article 7a as being under migratory pressure, but considers itself as so being, may notify the Commission and the Council of its need to be considered under migratory pressure and to make use of the Solidarity Pool.	
Article 44d(2)				
495t			2. The notification shall include:	
Article 44d(2), point (a)				
495u			(a) a duly substantiated reasoning on the existence and extent of the migratory pressure in the notifying Member State;	
Article 44d(2), point (b)				
495v			(b) the type and level of solidarity measures as referred to in Article 44a needed to address the situation and a substantiated reasoning in support thereof, including where relevant any use	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			made of the components of the Toolbox;	
Article 44d(2), point (c)				
495w			(c) a description of how the proposed Solidarity Pool could stabilise the situation;	
Article 44d(2), point (d)				
495x			(d) how that Member State intends to address any possible identified vulnerabilities in the area of responsibility, preparedness or resilience.	
Article 44d(3)				
495y			3. The Commission shall expeditiously assess the notification, taking into account the information set out in Articles 7a and 7b, whether the Member State was identified as being at risk of migratory pressure in the Commission Decision referred to in Article 7a, the overall situation in the Union and the needs expressed by the notifying Member State, and adopt a Decision on the notification to consider the Member State as being under migratory pressure.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Where the Commission decides that that Member State is under migratory pressure, it shall become a benefitting Member State, unless it is denied access to the Solidarity Pool in accordance with paragraph 5.	
Article 44d(4)				
495z			4. The Commission shall transmit its decision to the Council without delay. It shall also forward the decision to the European Parliament for information purposes.	
Article 44d(5)				
495aa			5. Where the Commission Decision establishes that the notifying Member State is under migratory pressure, the Commission shall convene the Technical-Level Migration Forum within 15 days of the transmission of its decision to the Council. The Commission shall convene the Technical EU Level Migration Forum unless the Council, by way of an Implementing Act, has decided within 15 days of the transmission of the Commission's decision to the Council that there is insufficient capacity in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Solidarity Pool for the Member State concerned to get access to the Solidarity Pool or other objective reasons for not allowing that Member State to get access to the Pool.	
Article 44d(6), first subparagraph				
495ab			6. Where the Council decides that there is insufficient capacity in the Solidarity Pool, Article 44g shall apply.	
Article 44d(6), second subparagraph				
495ac			In case of a Commission Decision rejecting a request by a Member State to be considered as being under migratory pressure, the notifying Member State may submit a new notification to the Commission and the Council with additional information where relevant.	
Article 44e				
495ad			Article 44e Operationalisation of solidarity measures	
Article 44e(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495ae			1. In the Technical-Level EU Migration Forum, all Member States shall cooperate among themselves and with the Commission to ensure an effective and efficient operationalisation of the Solidarity Pool for the year concerned in a balanced manner in light of the needs identified and assessed and the solidarity contributions available.	
Article 44e(2)				
495af			2. The Commission, monitoring developments in the migratory situation, shall coordinate the operationalisation of the solidarity measures by matching the needs and contributions to ensure a balanced distribution of the solidarity contributions available among the benefitting Member States.	
Article 44e(3), first subparagraph				
495ag			3. In operationalising the solidarity measures identified, Member States shall implement their pledged solidarity contributions referred to in Article 44a for the given year before the end of that year, without prejudice	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to Article 44i(5), Article 44j(3) and Article 57(9a). Contributing Member States shall implement their pledges in proportion to their overall pledge to the Solidarity Pool for that year before the end of the year. Member States which have been granted a full reduction in accordance with Article 44f or 44fa or are themselves benefitting Member States as referred to in Article 44c(1) and 44d(3) are not obliged to implement their pledged solidarity contributions referred to in Article 44a for the given year.	
Article 44e(3), second subparagraph				
495ah			Contributing Member States shall not be required to implement their pledges made pursuant to Article 44a(2) and to apply responsibility offsets pursuant to Article 44h towards a benefitting Member State, where the Commission has identified, in the Decision referred to in Article 7a(4) or Article 44d(3), systemic shortcomings in that benefitting Member State with regard to the rules set out in Part III of this Regulation that could result in serious consequences for the functioning of this Regulation.	
Article 44e(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495ai			4. In the course of the first meeting of the Technical-Level EU Migration Forum in the annual cycle, Member States contributing with or benefitting from relocations may express reasonable preferences, in light of the needs identified, for the profiles of available relocation candidates and a potential planning for the implementation of their solidarity contributions. Member States may prioritise the relocation of identified unaccompanied minors and other vulnerable persons.	
Article 44f				
495aj			Article 44f Full or partial reduction of the solidarity contribution by a Member State under migratory pressure or that considers itself under migratory pressure and that has not notified the need to use the Solidarity Pool	
Article 44f(1), first subparagraph				
495ak			1. A Member State that is identified in the Decision referred to in Article 7a as being under migratory pressure or that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			considers itself as so being and which has not made use of the Solidarity Pool in accordance with Article 44c or notified the need to use the Solidarity Pool in accordance with Article 44d, may, at any time, request a partial or full reduction of its pledged contributions set out in the Council implementing act referred to in Article 44b(1).	
Article 44f(1), second subparagraph				
495al			The Member State concerned shall submit its request to the Commission. For information purposes, the Member State concerned shall submit its request to the Council.	
Article 44f(2)				
495am			2. The requesting Member State shall include in its request:	
Article 44f(2), point (a)				
495an			(a) a description of how the full or partial reduction could help stabilising the situation;	
Article 44f(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495ao			(b) whether the pledged contribution could be replaced with a different type of solidarity contribution;	
Article 44f(2), point (c)				
495ap			(c) how that Member State will address any possible identified vulnerabilities in the area of responsibility, preparedness or resilience.	
Article 44f(3)				
495aq			3. Where the requesting Member State referred to in paragraph 1 is a Member State that is not identified in the Decision referred to in Article 7a as being under migratory pressure, but considers itself as so being, the request shall, in addition to the information referred to in paragraph 2, include also a duly substantiated reasoning on the existence and extent of the migratory pressure in the requesting Member State. When assessing such a request, the Commission shall also take into account the information set out in Article 7a and 7b.	
Article 44f(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495ar			4. The Commission shall inform the Council of its assessment of the request within four weeks.	
Article 44f(5)				
495as			5. Following the receipt of the Commission's assessment, the Council shall adopt an implementing act to determine whether or not to authorise the Member State to derogate from the Council implementing act establishing the Solidarity Pool.	
Article 44fa				
495at			Article 44fa Full or partial reduction of the solidarity contribution by a Member State that is facing a significant migratory situation or that considers itself facing a significant migratory situation	
Article 44fa(1), first subparagraph				
495au			1. A Member State that is identified in the Decision referred to in Article 7a as facing a significant migratory situation or considers itself as so being, may at any time request a partial or full	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			reduction of its pledged contributions set out in the Council implementing act referred to in Article 44b(1).	
Article 44fa(1), second subparagraph				
495av			The Member State concerned shall submit its request to the Commission. For information purposes, the Member State concerned shall submit its request to the Council.	
Article 44fa(2)				
495aw			2. Where the requesting Member State is a Member State identified in the Decision referred to in Article 7a as facing a significant migratory situation, the request shall include:	
Article 44fa(2), point (a)				
495ax			(a) a description of how the full or partial reduction could help stabilising the situation;	
Article 44fa(2), point (b)				
495ay			(b) whether the pledged contribution could be replaced	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with a different type of solidarity contribution;	
Article 44fa(2), point (c)				
495az			(c) how that Member State will address any possible identified vulnerabilities in the area of responsibility, preparedness or resilience;	
Article 44fa(2), point (d)				
495ba			(d) a duly substantiated reasoning pertaining to the area of the asylum, reception and migration system in which the capacity has been reached, and how reaching the limits of its capacity in the specific area affects its capacity to fulfil its pledge.	
Article 44fa(3)				
495bb			3. Where the requesting Member State is not identified in the Decision referred to in Article 7a as being confronted with a significant migratory situation, but considers itself as so being, the request shall in addition to the information referred to in paragraph 2 include also a duly substantiated reasoning on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			significance of the migratory situation in the requesting Member State. When assessing such a request, the Commission shall also take into account the information set out in Article 7a and 7b and whether the Member State was identified as being at risk of migratory pressure in the Commission Decision referred to in Article 7a.	
Article 44fa(4)				
495bc			4. The Commission shall inform the Council of its assessment of the request within four weeks.	
Article 44fa(5)				
495bd			5. Following the receipt of the Commission's assessment, the Council shall adopt an implementing act to determine whether or not to authorise the Member State to derogate from the Council implementing act establishing the Solidarity Pool.	
Article 44g				
495be			Article 44g Reconvening the High-Level EU Migration Forum	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44g(1)				
495bf			1. Where the Council, at the initiative of a Member State or upon invitation from the Commission, considers that the solidarity contributions to the Solidarity Pool are insufficient, including where significant reductions have been granted according to Articles 44f and 44fa or the overall situation requires additional solidarity support, it shall by simple majority convene the High-Level EU Migration Forum to request Member States for additional solidarity contributions.	
Article 44g(2)				
495bg			2. Any pledging exercise shall follow the procedure set out in Article 44b.	
Article 44h				
495bh			Article 44h Responsibility offsets	
Article 44h(1)				
495bi				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. Where the relocation pledges to the Solidarity Pool contained in the Council Implementing act referred to in Article 44b are equal to or above 50 % of the number indicated in the Recommendation referred to in Article 7c, a benefitting Member State may request the other Member States to take responsibility for examining applications for international protection for which the benefitting Member State has been determined as responsible instead of relocations in accordance with the procedure set out in Article 58a.	
Article 44h(2), first subparagraph				
495bj			2. A contributing Member State may indicate to benefitting Member States its willingness to take responsibility for examining applications for international protection for which a benefitting Member State has been determined as responsible instead of relocations:	
Article 44h(2), first subparagraph, point (a)				
495bk			(a) where the threshold set out in paragraph 1 has been reached; or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44h(2), first subparagraph, point (b)				
495bl			(b) where the contributing Member State has pledged 50 % or more of its mandatory fair share to the Solidarity Pool contained in the Council Implementing act referred to in Article 44b as relocations.	
Article 44h(2), second subparagraph				
495bm			Where a contributing Member State has indicated such willingness and the benefitting Member State agrees, the benefitting Member State shall apply the procedure set out in Article 58a.	
Article 44h(3), first subparagraph				
495bn			3. Where, following the meeting of the High Level Migration Forum convened in accordance with Article 44g, the relocation pledges to the Solidarity Pool contained in the Council Implementing act referred to in Article 44b are:	
Article 44h(3), first subparagraph, point (a)				
495bo				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(a) below the number referred to in Article 7c(2)(a), or	
Article 44h(3), first subparagraph, point (b)				
495bp			(b) below 60% of the reference number used to calculate each Member State's mandatory fair share for relocation for the purpose of establishing the Solidarity Pool in accordance with Article 44b,	
Article 44h(3), second subparagraph				
495bq			the contributing Member States shall take responsibility for applications for international protection for which the benefitting Member State has been determined as responsible up to the higher of the two numbers referred to in points (a) or (b).	
Article 44h(3), third subparagraph				
495br			The previous subparagraph also applies where the pledges to be implemented during the given year fall below the higher of the two numbers referred to in points (a) or (b) as a result of full or partial reductions granted in accordance with Articles 44f or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			44fa or because benefitting Member States as referred to in Articles 44c(1) and 44d(3) are not obliged to implement their pledged solidarity contributions for a given year.	
Article 44h(4)				
495bs			4. A contributing Member State which has not implemented its pledges or accepted relocations pursuant to Article 57(7) equal to its pledged relocations as referred to in Article 44b(2) by the end of the given year shall, at the request of the benefitting Member State, take responsibility for applications for international protection for which the benefitting Member State has been determined as responsible up to the number of relocations pledged in accordance with Article 44b(2) as soon as possible after the end of the given year.	
Article 44h(5), first subparagraph				
495bt			5. The contributing Member State shall identify the individual applications for which it takes responsibility pursuant to paragraphs 2 and 3, and shall inform the benefitting Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			State, using the electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003.	
Article 44h(5), second subparagraph				
495bu			The contributing Member State shall become the Member State responsible for the identified applications and shall indicate its responsibility pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation].	
Article 44h(5), third subparagraph				
495bv			Member States shall not be obliged to take responsibility pursuant to the first subparagraph above their fair share calculated according to the distribution key set out in Article 44k.	
Article 44h(6)				
495bw			6. This Article shall only apply where:	
Article 44h(6), point (a)				
495bx			(a) the applicant is not an unaccompanied minor;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44h(6), point (b)				
495by			(b) the benefitting Member State was determined as responsible for examining the application for international protection on the basis of the criteria set out in Articles 19-23;	
Article 44h(6), point (c)				
495bz			(c) the transfer time limit set out in Article 29(1) has not yet expired;	
Article 44h(6), point (d)				
495ca			(d) the applicant has not absconded from the contributing Member State;	
Article 44h(6), point (e)				
495cb			(e) the person is not a beneficiary of international protection;	
Article 44h(6), point (f)				
495cc			(f) the person is not a resettled or admitted person.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44h(7)				
495cd			7. The contributing Member State may apply this Article to third-country nationals or stateless persons whose applications have been finally rejected in the benefitting Member State. Articles 42 and 43 in Regulation XXX/XXX [Asylum Procedure Regulation] shall apply.	
Article 44i				
495ce			Article 44i Financial contributions	
Article 44i(1)				
495cf			1. Financial contributions shall consist of financial transfers of amounts from the contributing Member States to the Union budget. Those amounts shall constitute external assigned revenues in accordance with Article 21(5) of Regulation (EU, Euratom) 2018/1046¹ and shall be used for the purpose of implementing the projects of the Solidarity Pool referred to in Article 44a(2)(b). 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1.	
Article 44j(1), second subparagraph				
495cg			The contributing Member State shall transfer the amounts as soon as the Council has adopted the implementing act referred to in Article 44b.	
Article 44i(2)				
495ch			2. Benefitting Member States shall identify projects for financial contributions and submit these to the Commission which shall maintain an inventory of such projects. The Commission shall liaise closely with benefitting Member States to ensure that those projects correspond to the objectives as set out in Article 44a(2)(b). The Commission shall maintain the inventory and make it available through the Technical Level Migration Forum to facilitate the selection of projects. The contributing Member States	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall inform the Commission on the projects planned to be funded.	
Article 44i(3)				
495ci			3. Financial contributions shall not finance any project already funded under the Union budget in the same country. Financial contributions are additional and complementary to financial support provided under other Union instruments.	
Article 44i(4)				
495cj			4. The contributing Member States shall continue the process of financial contributions even after the timeframe for the implementation or the validity of implementing acts has expired.	
Article 44i(5)				
495ck			5. The Commission shall adopt an implementing act concerning rules on the operation of the financial contributions. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(2).	
Article 44j				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495cl			Article 44j Alternative solidarity measures	
Article 44j(1)				
495cm			1. Alternative solidarity measures shall be based on the specific request of the benefitting Member State. Such measures shall be counted as financial solidarity, and their concrete value shall be established in a realistic manner, jointly by the contributing and the benefitting Member States concerned.	
Article 44j(2)				
495cn			2. Member States shall provide alternative solidarity measures in addition to and that do not duplicate those provided by operations by Union agencies or by Union funding in the field of asylum and migration management in the benefitting Member States. Member States shall provide alternative solidarity measures in addition to what they are required to contribute through Union agencies.	
Article 44j(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495co			3. The benefitting and the contributing Member States shall continue the process of alternative solidarity measures even after the timeframe for the implementation or the validity of implementing acts has expired.	
Article 44k				
495cp			Article 44k Distribution key Article 44k is based on former Article 54	
Article 44k, first paragraph				
495cq			The share of solidarity contributions to be provided by each Member State referred to in Article 44b(2) shall be calculated in accordance with the formula set out in Annex and shall be based on the following criteria for each Member State, according to the latest available Eurostat data:	
Article 44k, first paragraph, point (a)				
495cr			(a) the size of the population (50% weighting);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44k, first paragraph, point (b)				
495cs			(b) the total GDP (50% weighting).	
Article 45				
496	Article 45 Solidarity contributions	Article 45 Solidarity contributions <u>to a Member State under migratory pressure</u>	<i>deleted</i>	
Article 45(1)				
497	1. Solidarity contributions for the benefit of a Member State under migratory pressure or subject to disembarkations following search and rescue operations shall consist of the following types:	1. Solidarity contributions for the benefit of a Member State under migratory pressure, <u>including as a result of recurring arrivals by sea, in particular through</u> ~~or subject to~~ disembarkations following search and rescue operations <u>and activities or as a result of the arrival of persons in a vulnerable situation,</u> shall ~~consist~~ <u>be provided by a contributing Member State and reflect the needs</u> of the ~~following types~~ <u>benefitting Member State and primarily consist of:</u>	<i>deleted</i>	
Article 45(1), point (a)				
498	(a) relocation of applicants who are not subject to the border procedure for the examination of an application	(a) relocation of applicants ~~who are not subject to the border procedure for the examination of an~~	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for international protection established by Article 41 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation];	~~application~~ for international protection ~~established by Article 41 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation];~~		
Article 45(1), point (b)				
499	(b) return sponsorship of illegally staying third-country nationals;	deleted	deleted	
Article 45(1), point (c)				
500	(c) relocation of beneficiaries of international protection who have been granted international protection less than three years prior to adoption of an implementing act pursuant to Article 53(1);	(c) relocation of beneficiaries of international protection who have been granted international protection less than three years prior to adoption of an implementing act pursuant to Article ~~53(1)~~ ; <u>53 and who have requested or consented to such relocation in writing.</u>	deleted	
Article 45(1), point (d)				
501	(d) capacity-building measures in the field of asylum, reception and return, operational support and measures aimed at responding to migratory trends affecting the benefitting Member State through cooperation with third countries.	deleted	deleted	
501a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>1a. A contributing Member State may, with the agreement of the benefitting Member State, also decide to examine an application for international protection pursuant to Article 25.</u>		
Article 45(2)				
502	2. Such contributions may, pursuant to Article 56, also consist of:	<i>deleted</i>	<i>deleted</i>	
Article 45(2), point (a)				
503	(a) relocation of applicants for international protection subject to the border procedure in accordance with Article 41 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation];	<i>deleted</i>	<i>deleted</i>	
Article 45(2), point (b)				
504	(b) relocation of illegally staying third-country nationals.	<i>deleted</i>	<i>deleted</i>	
504a		<u>2a. A contributing Member State may commit to capacity-building measures in the benefitting Member State pursuant to Article 55a(1).</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
504b		<u>Article 45a</u> <u>Voluntary contributions to another Member State</u>		
504c		<u>1. Voluntary contributions for the benefit of another Member State may be provided by a contributing Member State. Such contributions may consist of:</u>		
504d		<u>(a) solidarity contributions referred to in Article 45(1);</u>		
504e		<u>(b) capacity building measures pursuant to Article 55a (2).</u>		
504f		<u>Article 45b</u> <u>Annual solidarity pool</u>		
504g		<u>1. The Commission, led by the EU</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Relocation Coordinator shall each year establish an annual solidarity pool on the basis of the projected annual solidarity needs pursuant to Article 4b. The pool shall consist of:</u>		
504h		<u>(a) the total number of required relocation pursuant to Article 45(1), points (a) and (b);</u>		
504i		<u>(b) the total number of required relocations allocated for applicants arriving by sea, in particular through disembarkations following search and rescue operations or activities;</u>		
504j		<u>(c) the total need for capacity-building measures pursuant to Article 45(2).</u>		
504k		<u>Where the Commission adopts an amending delegated act pursuant to Article 4c(5), the pledges in the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>solidarity pool shall be updated accordingly.</u>		
504l		<u>The Commission and the Member States shall at all times prioritise relocation pursuant to Article 45(1), as the primary measure of solidarity.</u>		
504m		<u>2. Within two weeks from the adoption of the delegated act pursuant to Article 4c, the EU Relocation Coordinator shall convene the Solidarity Forum.</u>		
504n		<u>Within the same two weeks, the Commission shall invite all contributing Member States, to provide pledges of their anticipated solidarity contributions to meet the identified needs. The pledges shall include the share of each type of contribution.</u>		
504o		<u>3. At least 80 % of pledges in the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>solidarity pool shall be made up of relocation pursuant to paragraph 1, points (a) and (b), of this Article or the application of the discretionary clause pursuant to Article 25.</u>		
504p		<u>The remaining pledges may, where applicable, consist of capacity-building measures pursuant to Article 45(1a).</u>		
504q		<u>4. Where the Commission considers that the Member States' pledges do not correspond to the needs identified pursuant to Article 4b, the Commission shall distribute the remaining needs on the basis of the reference key referred to in Article 54.</u>		
504r		<u>5. The Commission shall adopt an implementing act to establish the solidarity pool consisting of the Member States' pledges and, where applicable, the distribution of the remaining needs, no later than two weeks after the Solidarity Forum is convened.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
504s		<u>6. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(1a).</u>		
Article 46				
505	Article 46 Solidarity Forum	Article 46 Solidarity Forum	<i>deleted</i>	
Article 46, first paragraph				
506	A Solidarity Forum shall comprise all Member States. The Commission shall convene and preside the Solidarity Forum in order to ensure the smooth functioning of this Part.	<u>1. A Solidarity Forum shall comprise all Member States. ~~The Commission shall convene and preside the Solidarity Forum,~~ represented at the level of responsibility and decision-making power that is appropriate in order to ~~ensure the smooth functioning of this Part~~ provide solidarity contributions for the creation of the solidarity pool pursuant to Article 45 a or solidarity response in situations of migratory pressure pursuant to Article 52.</u>	<i>deleted</i>	
506a		<u>The EU Relocation Coordinator</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>shall, on behalf of the Commission, convene and preside the Solidarity Forum in order to ensure the smooth functioning of the solidarity mechanism and enhance the practical contributions between the Member States pursuant to 45b and Article 52.</u>		
Article 46(1a)				
506b		<u>1a. The Solidarity Forum shall meet at least twice a year in order for the Member States to provide their pledges to the creation of the Solidarity Pool pursuant to 45b and as frequently as necessary according to needs as identified in accordance with Article 52.</u>		
Article 46(1b), first subparagraph				
506c		<u>1b. The Asylum Agency shall participate in the Solidarity Forum.</u>		
Article 46(1b), second subparagraph				
506d		<u>The European Border and Coast Guard Agency and the European Union Agency for Fundamental Rights shall, where appropriate and where invited by the EU Relocation Coordinator, participate in the Solidarity Forum.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47				
507	Article 47 Solidarity for disembarkations following search and rescue operations	<i>deleted</i>	<i>deleted</i>	
Article 47(1)				
508	1. This Article and Articles 48 and 49 shall apply to search and rescue operations that generate recurring arrivals of third-country nationals or stateless persons onto the territory of a Member State and to vulnerable persons as set out in Article 49(4).	<i>deleted</i>	<i>deleted</i>	
Article 47(2)				
509	2. Where the Migration Management Report referred to in Article 6(4) indicates that one or more Member States faced with the situations referred to in paragraph 1, it shall also set out the total number of applicants for international protection referred to in Article 45(1), point (a) that would need to be relocated in order to assist those Member States. The report shall also identify any capacity-building measures referred to in Article 45(1), point (d) which are necessary to	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assist the Member State concerned.			
Article 47(3)				
510	3. Within two weeks of the adoption of the Migration Management Report, the Commission shall invite all other Member States that are not expected to be faced with arrivals on their territory as referred to in paragraph 1 to provide the solidarity contributions referred to in paragraph 2. In its request, the Commission shall indicate the total number of applicants to be relocated by each Member State in the form of solidarity contributions referred to in Article 45(1), point (a) by each Member State, calculated according to the distribution key set out in Article 54. The distribution key shall include the share of the benefitting Member States.	<i>deleted</i>	<i>deleted</i>	
Article 47(4)				
511	4. Within one month of the adoption of the Migration Management Report, Member States shall notify the Commission of the contributions they intend to make, by completing the SAR Solidarity Response Plan set out in Annex I. Member States shall indicate whether they intend to provide contributions in the form of:	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 47(4), point (a)</i>				
512	(a) relocation in accordance with Article 45(1), point (a); or	<i>deleted</i>	<i>deleted</i>	
<i>Article 47(4), point (b)</i>				
513	(b) measures in accordance with Article 45(1), point (d) identified in the Migration Management Report; or	<i>deleted</i>	<i>deleted</i>	
<i>Article 47(4), point (c)</i>				
514	(c) relocation in accordance with Article 45(1), point (a) of vulnerable persons pursuant to Article 49(4).	<i>deleted</i>	<i>deleted</i>	
<i>Article 47(5)</i>				
515	5. Where the Commission considers that the solidarity contributions indicated by all the Member States pursuant to paragraph 4 fall significantly short of the total solidarity contributions set out in the Migration Management Report, the Commission shall convene the Solidarity Forum. The Commission shall invite Member States to adjust the number and, where relevant, the type of contributions. Member States	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that adjust their contributions shall submit revised SAR Solidarity Response Plans in the course of the Solidarity Forum.			
Article 48				
516	Article 48 Commission implementing acts for search and rescue operations	<i>deleted</i>	<i>deleted</i>	
Article 48(1), first subparagraph				
517	1. Within two weeks from the submission of the SAR Solidarity Response Plans referred to in Article 47(4) or two weeks from the end of the Solidarity Forum referred to in Article 47(5), and where the total solidarity contributions indicated by all the Member States in their Plans corresponds to, or is considered by the Commission to be sufficiently close to the total solidarity contributions set out in the Migration Management Report, the Commission shall adopt an implementing act setting out the solidarity measures indicated by Member States pursuant to Article 47(4) or Article 47(5). Such measures shall constitute a solidarity pool for each Member State expected to be faced with disembarkations in the short term.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 48(1), second subparagraph</i>				
518	Where the Asylum Agency notifies the Commission and the Member States that 80% of the solidarity pool in the first subparagraph has been used for one or more of the benefitting Member States, the Commission shall convene the Solidarity Forum to inform the Member States of the situation and request Member States to increase their contributions. Following the end of the Solidarity Forum, where Member States have indicated their readiness to make increased contributions the Commission shall amend the implementing act establishing a solidarity pool referred to in the first subparagraph in relation to the benefitting Member State concerned to increase the contributions indicated by Member States.	<i>deleted</i>	<i>deleted</i>	
<i>Article 48(2), first subparagraph</i>				
519	2. Where the total number or type of solidarity contributions indicated by Member States pursuant to Article 47(5) still falls significantly short of the total solidarity contributions set out in the Migration Management Report leading to a situation where	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the solidarity pool is not able to provide a foreseeable basis of ongoing support to the Member States referred to in Article 47(2), the Commission shall, within two weeks after the end of the Solidarity Forum, adopt an implementing act establishing a solidarity pool for each Member State expected to be faced with disembarkations in the short term. That implementing act shall set out:			
Article 48(2), first subparagraph, point (a)				
520	(a) the total number of third-country nationals to be covered by relocation to contribute to the needs of the Member States referred to in Article 47(2) as identified in the Migration Management Report;	<i>deleted</i>	<i>deleted</i>	
Article 48(2), first subparagraph, point (b)				
521	(b) the number and share referred to in point (a) for each Member State, including the benefitting Member States calculated according to the distribution key set out in Article 54;	<i>deleted</i>	<i>deleted</i>	
Article 48(2), first subparagraph, point (c)				
522	(c) the measures indicated by Member States as set out in Article	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	45(1), point (d).			
<i>Article 48(2), second subparagraph</i>				
523	Where Member States have indicated measures set out in Article 45(1), point (d), those measures shall be in proportion to the contributions that the Member States would have made by means of the relocations referred to in Article 45(1), point (a) as a result of the application of the distribution key set out in Article 54. They shall be set out in the implementing act except where the indications by Member States would lead to a shortfall of greater than 30% of the total number of relocations identified in the Migration Management Report. In those cases, the contributions set out in the implementing act shall be adjusted so that those Member States indicating such measures are required to cover 50% of their share calculated in accordance with the distribution key set out in Article 54 through relocation or return sponsorship as referred to in Article 45(1) point (b) or a combination of both. The Member States concerned shall immediately indicate to the Commission how they intend to cover their share in this regard. The Commission shall adjust the contributions set out in the	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing act regarding relocation, return sponsorship and the measures referred to in Article 45(1), point (d) for those Member States accordingly.			
<i>Article 48(2), third subparagraph</i>				
524	Where one or more Member States have not submitted an SAR Solidarity Response Plan within the time limits set out in Article 47(4) and Article 47(5), the Commission shall determine the amount and type of contributions to be made by those Member States.	<i>deleted</i>	<i>deleted</i>	
<i>Article 48(2), fourth subparagraph</i>				
525	Where the Asylum Agency notifies the Commission and the Member States that 80% of the solidarity pool in the first subparagraph has been used for one or more of the benefitting Member States, the Commission shall convene the Solidarity Forum to inform the Member States of the situation and the additional needs of the Member States. Following the Solidarity Forum the Commission shall adopt an amendment to the implementing act establishing a solidarity pool referred to in the first subparagraph in relation to the benefitting Member	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	State concerned to increase the total number of third-country nationals covered by the solidarity measures referred to in point (a) of the first subparagraph by a maximum of 50%. The share of each Member State referred to in point (b) of the first subparagraph shall be amended accordingly. Where the provisions of the second subparagraph are applied and Member States have indicated that they shall contribute through return sponsorship, the share of these measures shall be increased by 50%. The measures referred to in Article 45(1), point (d) shall also be increased by a share that is in proportion to a 50% increase of that Member States share calculated according to the distribution key set out in Article 54.			
Article 48(3)				
526	3. The implementing act referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 67(2).	<i>deleted</i>	<i>deleted</i>	
Article 49				
527	Article 49 Solidarity pool for search and rescue operations	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 49(1)</i>				
528	1. Within two weeks of the adoption of the implementing act referred to in Article 48(1) or Article 48(2), the Member State referred to in Article 47(2) shall notify the Commission of its request for solidarity support. Following that request, the Commission shall draw on the solidarity pool and coordinate the implementation of the solidarity measures for each disembarkation or group of disembarkations taking place in a period of two weeks.	<i>deleted</i>	<i>deleted</i>	
<i>Article 49(2)</i>				
529	2. Under the coordination of the Commission, the Asylum Agency and the European Border and Coast Guard Agency shall draw up the list of eligible persons to be relocated and to be subject to return sponsorship. The list shall indicate the distribution of those persons among the contributing Member States taking into account the total number of persons to be relocated or to be subject to return sponsorship by each contributing Member State, the nationality of those persons and the existence of meaningful links between them and the Member State	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of relocation or of return sponsorship. Priority shall be given to the relocation of vulnerable persons. The Asylum Agency and the European Border and Coast Guard Agency shall assist the Commission in monitoring the use of the solidarity pool.			
<i>Article 49(3), first subparagraph</i>				
530	3. Where the Commission has adopted a report concluding that a Member State referred to in Article 47(2) is under migratory pressure as set out in Article 51(3), the remaining solidarity contributions from the solidarity pool established under Article 48(1) or Article 48(2) may be used for the purpose of immediately alleviating the migratory pressure on that Member State. In such cases, the provisions of paragraph 2 shall apply.	<i>deleted</i>	<i>deleted</i>	
<i>Article 49(3), second subparagraph</i>				
531	This paragraph shall not apply where an implementing act provided for in Article 53 is adopted. As from the adoption of that implementing act drawing on the list of eligible persons to be relocated and to be subject to return sponsorship as provided for in paragraph 2 shall	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cease.			
<i>Article 49(3), third subparagraph</i>				
532	Where the solidarity pool referred to in the first subparagraph is insufficient for the purpose of immediately alleviating the challenges faced by the Member State referred to in Article 47(2), solidarity contributions from the solidarity pool of the other Member States established under Article 48(1) or Article 48(2) may be used insofar as this does not jeopardize the functioning of the pool for those Member States.	<i>deleted</i>	<i>deleted</i>	
<i>Article 49(4)</i>				
533	4. Where the Migration Management Report identifies that a Member State referred to in Article 47(2) is faced with capacity challenges due to the presence of applicants who are vulnerable regardless of how they crossed the external borders, the solidarity pool established under Article 48(1) or Article 48(2) may also be used for the purpose of relocation of vulnerable persons. In such cases, the provisions of paragraph 2 shall apply.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 49(5)</i>				
534	5. The Commission shall support and facilitate the procedures leading to the relocation of applicants and the implementation of return sponsorship, paying particular attention to unaccompanied minors. It shall coordinate the operational aspects of relocation and return sponsorship, including with the assistance of experts or teams of experts to be deployed by the Asylum Agency or the European Border and Coast Guard Agency.	<i>deleted</i>	<i>deleted</i>	
534a		<u><i>Article 49a</i></u> <u><i>Notification of migratory pressure</i></u>		
534b		<u><i>1. A Member State that has been identified in the delegated act referred to in Article 4c as a Member State that could face a situation of migratory pressure shall, when it considers itself to be under the migratory pressure as provided for in the delegated act, notify the Commission.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
534c		<u>2. Following that notification, a solidarity response shall be provided in accordance with Article 52. Where necessary and where applicable, the Commission shall have recourse to Article 53.</u>		
Article 50				
535	Article 50 Assessment of migratory pressure	Article 50 Assessment of migratory pressure	<i>deleted</i>	
535a		<u>-1. A Member State that has not been identified in the delegated act referred to in Article 4c shall, when it considers itself to be under migratory pressure, immediately request the Commission to assess whether it is under migratory pressure.</u>		
535b		<u>A Member State that has been identified in the delegated act referred to in Article 4c may also request such an assessment when faced with a situation of migratory pressure not provided for in that delegated act.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 50(1), first subparagraph				
536	1. The Commission shall assess the migratory situation in a Member State where:	1. The Commission shall, <u>within one week of the request, initiate an assessment of whether the</u> ~~assess the migratory situation in a~~ Member State ~~where:~~ <u>that made the request is under migratory pressure.</u>	<i>deleted</i>	
Article 50(1), second subparagraph				
536a		<u>The Commission shall also assess the migratory situation in a Member State where:</u>		
Article 50(1), second subparagraph, point (a)				
537	(a) that Member State has informed the Commission that it considers itself to be under migratory pressure;	<i>deleted</i>	<i>deleted</i>	
Article 50(1), second subparagraph, point (b)				
538	(b) on the basis of available information, it considers that a Member State may be under migratory pressure.	(b) ~~on the basis of~~ <u>it considers, based on</u> available information, ~~it considers~~ that a Member State ~~may~~ <u>could</u> be under migratory pressure.;	<i>deleted</i>	
Article 50(1), second subparagraph, point (c)				
538a		<u>(ba) the European Parliament or the Council request the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Commission to carry out such an assessment.</u>		
Article 50(2)				
539	2. The Asylum Agency and the European Border and Coast Guard Agency shall assist the Commission in drawing up the assessment of migratory pressure. The Commission shall inform the European Parliament, the Council and the Member States, without delay, that it is undertaking an assessment.	2. The Asylum Agency ~~and~~ , the European Border and Coast Guard Agency <u>and the European Union Agency for Fundamental Rights,</u> shall assist the Commission in drawing up the assessment of migratory pressure, <u>in cooperation with the Member State concerned.</u> The Commission shall <u>immediately</u> inform the European Parliament, the Council and the Member States, ~~without delay~~ , that it is undertaking an assessment.	deleted	
Article 50(3)				
540	3. The assessment of migratory pressure shall cover the situation in the Member State concerned during the preceding six months, compared to the overall situation in the Union, and shall be based in particular on the following information:	3. The assessment of migratory pressure ~~shall cover~~ <u>be based on</u> the situation in the Member State concerned during the preceding ~~six~~ <u>twelve</u> months, compared to the overall situation in the Union, and shall be based <u>on the information referred to in Article 4b(1), second subparagraph, including the information gathered through the monitoring conducted by the Asylum Agency.</u> ~~in particular on the following information:~~	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 50(3), point (a)</i>				
541	(a) the number of applications for international protection by third-country nationals and the nationality of the applicants;	<i>deleted</i>	<i>deleted</i>	
<i>Article 50(3), point (b)</i>				
542	(b) 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 Council¹; 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.	<i>deleted</i>	<i>deleted</i>	
<i>Article 50(3), point (c)</i>				
543				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the number of return decisions that respect Directive 2008/115/EC;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (d)				
544	(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;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (e)				
545	(e) the number of third-country nationals admitted by the Member States through Union and national resettlement [or humanitarian admission] schemes;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (f)				
546	(f) the number of incoming and outgoing take charge requests and take back notifications in accordance with Articles 34 and 36;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (g)				
547	(g) the number of transfers carried out in accordance with Article 31;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
548	(h) the number of persons apprehended in connection with an irregular crossing of the external land, sea or air border;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (i)				
549	(i) the number of persons refused entry in accordance with Article 14 of Regulation EU (No) 2016/399;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (j)				
550	(j) the number and nationality of third-country nationals disembarked following search and rescue operations, including the number of applications for international protection;	<i>deleted</i>	<i>deleted</i>	
Article 50(3), point (k)				
551	(k) the number of unaccompanied minors.	<i>deleted</i>	<i>deleted</i>	
Article 50(4)				
552	4. The assessment of migratory pressure shall also take into account the following:	4. The assessment of migratory pressure shall also take into account the following:	<i>deleted</i>	
Article 50(4), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
553	(a) the information presented by the Member State, where the assessment is carried out pursuant to paragraph 1, point (a);	<i>deleted</i>	<i>deleted</i>	
<i>Article 50(4), point (b)</i>				
554	(b) the level of cooperation on migration with third countries of origin and transit, first countries of asylum, and safe third countries as defined in Regulation (EU) XXX/XXX [Asylum Procedure Regulation];	<i>deleted</i>	<i>deleted</i>	
<i>Article 50(4), point (c)</i>				
555	(c) the geopolitical situation in relevant third countries that may affect migratory movements;	<i>deleted</i>	<i>deleted</i>	
<i>Article 50(4), point (d)</i>				
556	(d) the relevant Recommendations provided for in Article 15 of Council Regulation (EU) No 1053/2013¹, Article 13, 14 and 22 of Regulation (EU) XXX/XXX [European Union Asylum Agency] and Article 32(7) of Regulation (EU) 2019/1896; ¹ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation	(d) the relevant Recommendations provided for in Article 15 of ~~Council~~ Regulation (EU) ~~No 1053/2013~~² ~~2022/922~~, Article 13, 14 and 22 of Regulation (EU) ~~XXX/XXX~~ ~~[European Union Asylum Agency]~~ ~~2021/2303~~ and Article 32(7) of Regulation (EU) 2019/1896; ~~1. Council Regulation (EU) No 1053/2013 of~~	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	~~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.~~		
Article 50(4), point (e)				
557	(e) information gathered pursuant to Commission Recommendation of XXX on an EU mechanism for Preparedness and Management of Crisis related to Migration (Migration Preparedness and Crisis Blueprint)	(e) information gathered pursuant to Commission Recommendation of XXX on an EU mechanism for Preparedness and Management of Crisis related to Migration (Migration Preparedness and Crisis Blueprint)	deleted	
Article 50(4), point (f)				
558	(f) the Migration Management Report referred to in Article 6(4);	deleted	deleted	
Article 50(4), point (g)				
559	(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	deleted	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(MISAA) report issued under the first stage of the Migration Preparedness and Crisis Blueprint, when the Integrated Political Crisis Response is not activated;			
Article 50(4), point (h)				
560	(h) information from the visa liberalisation reporting process and dialogues with third countries;	deleted	deleted	
Article 50(4), point (i)				
561	(i) quarterly bulletins on migration, and other reports, of the European Union Agency for Fundamental Rights.	deleted	deleted	
Article 50(4), point (j)				
562	(j) the support provided by Union Agencies to the benefitting Member State.	deleted	deleted	
562a		<u>4a. Where during the assessment of migratory pressure in accordance with this Article, the Commission considers that the situation may be a situation of crisis pursuant to Article X of Regulation</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(EU) xxx/xxx [Crisis Regulation], and the Member State concerned agrees, the Commission shall also assess whether the Member State concerned is in a situation of crisis instead of under migratory pressure.</u>		
Article 51				
563	Article 51 Report on migratory pressure	Article 51 ~~Report on~~ <u>Delegated act to determine</u> migratory pressure	<i>deleted</i>	
Article 51(1), first subparagraph				
564	1. The Commission shall consult the Member State concerned during its assessment undertaken pursuant to Article 50(1).	1. The Commission shall consult the Member State concerned during its assessment undertaken pursuant to Article 50(1).	<i>deleted</i>	
Article 51(1), second subparagraph				
565	The Commission shall submit the report on migratory pressure to the European Parliament and to the Council within one month after the Commission informed them that it was carrying out an assessment pursuant to Article 50(2).	<i>deleted</i>	<i>deleted</i>	
Article 51(2)				
566				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. In the report, the Commission shall state whether the Member State concerned is under migratory pressure.	<i>deleted</i>	<i>deleted</i>	
566a		<u>2a. The Commission shall, within two weeks after it informed the European Parliament, the Council and the Member States pursuant to Article 50(2) that it was carrying out an assessment, adopt a delegated act determining whether the Member State concerned is under migratory pressure.</u>		
Article 51(3)				
567	3. Where the Commission concludes that the Member State concerned is under migratory pressure, the report shall identify:	3. Where the Commission concludes that the Member State concerned is under migratory pressure, the ~~report~~ <u>delegated act</u> shall identify:	<i>deleted</i>	
Article 51(3), point (a)				
568	(a) the capacity of the Member State under migratory pressure in the field of migration management, in particular asylum and return as well as its overall needs in managing its asylum and return caseload;	(a) the capacity of the Member State under migratory pressure in the field of migration management, in particular asylum, <u>reception</u> and return as well as its overall needs in managing its asylum and return caseload;	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
568a		<u>(aa) measures that the Member State has taken to enhance its asylum, reception and migration system;</u>		
Article 51(3), point (b)				
569	(b) measures that are appropriate to address the situation and the expected timeframe for their implementation consisting, as appropriate, of:	(b) measures that are appropriate to address the situation and the expected timeframe for their implementation consisting, as appropriate, of:	deleted	
Article 51(3), point (b)(i)				
570	(i) measures that the Member State under migratory pressure should take in the field of migration management, and in particular in the field of asylum and return;	(i) measures that the Member State under migratory pressure ~~should~~ <u>shall</u> take in the field of migration management, and in particular ~~in the field of asylum and return~~ <u>to enhance its asylum, reception and migration system;</u>	deleted	
Article 51(3), point (b)(ii)				
571	(ii) measures referred to in Article 45(1), points (a), (b) and (c) to be taken by other Member States;	(ii) measures referred to in Article 45(1), ~~points (a), (b) and (c)~~ to be taken by other Member States;	deleted	
Article 51(3), point (b)(iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
572	(iii) measures referred to in Article 45(1), point (d) to be taken by other Member States.	(iii) measures referred to in Article ~~45(1), point (d) to be taken by other Member States~~ <u>45(2)</u> .	deleted	
Article 51(4)				
573	4. Where the Commission considers that a rapid response is required due to a developing situation in a Member State, it shall submit its report within two weeks at the latest from the date on which it informed the European Parliament, the Council and the Member States pursuant to Article 50(2) that it was carrying out an assessment.	deleted	deleted	
573a		<u>4a. The delegated act shall identify the capacity of the solidarity pool and the distribution of solidarity contributions among the contributing Member States in accordance with the implementing act referred to in Article 46.</u>		
573b		<u>4b. The delegated act shall set out the time frame for the implementation of solidarity contributions pursuant to Article</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>45(1), taking into account the need for urgent actions for the Member State concerned.</u>		
573c		<u>4c. Where, in a case of migratory pressure, imperative grounds of urgency so require, the procedure provided for in Article 68a shall apply to delegated acts adopted pursuant to this Article.</u>		
Article 52				
574	Article 52 Solidarity Response Plans in situations of migratory pressure	Article 52 Solidarity Response ~~Plans~~ in situations of migratory pressure	<i>deleted</i>	
Article 52(1)				
575	1. Where the report referred to in Article 51 indicates that a Member State is under migratory pressure, the other Member States which are not themselves benefitting Member States shall contribute by means of the solidarity contributions referred to in Article 45(1), points (a), (b) and (c). Member States shall prioritise the relocation of unaccompanied minors.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
575a		<u>1a. The EU Relocation Coordinator shall, without delay, and no later than within two weeks following a notification pursuant to Article 49a or the adoption of a delegated act pursuant to Article 51 coordinate the relocation.</u>		
Article 52(2)				
576	2. Where the report referred to in Article 51 identifies measures referred to in paragraph 3, point (b)(iii) of that Article, other Member States may contribute by means of those measures instead of measures referred to in Article 51(3)(b)(ii). Such measures shall not lead to a short fall of more than 30% of the total contributions identified in the report on migratory pressure under Article 51(3)(b)(ii).	<i>deleted</i>	<i>deleted</i>	
576a		<u>2a. Where the Commission has adopted a delegated act pursuant to Article 51, the EU Relocation Coordinator shall convene the Solidarity Forum, where the capacity of the solidarity pool referred to in 45b falls short of the identified needs. The Solidarity Forum shall take place no later</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>than one week after the adoption of the delegated act.</u>		
576b		<u>Where the Commission has received a notification pursuant to Article 49a and the capacity of the solidarity pool referred to in 45b is no longer able to meet the identified needs, the EU Relocation Coordinator shall convene the Solidarity Forum no later than one week after receipt of that notification.</u>		
576c		<u>The Commission shall consider measures at its disposal to encourage increased pledges by the contributing Member States.</u>		
Article 52(3), first subparagraph				
577	3. Within two weeks from the adoption of the report referred to in Article 51, Member States shall submit to the Commission a Solidarity Response Plan by completing the form in Annex II. The Solidarity Response Plan shall indicate the type of contributions from among those set out in Article	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	51(3)(b)(ii) or, where relevant, the measures set out in Article 51(3)(b)(iii) that Member States propose to take. Where Member States propose more than one type of contribution set out in Article 51(3)(b)(ii), they shall indicate the share of each.			
<i>Article 52(3), second subparagraph</i>				
578	Where the Solidarity Response Plan includes return sponsorship, Member States shall indicate the nationalities of the illegally staying third-country nationals present on the territory of the Member State concerned that they intend to sponsor.	<i>deleted</i>	<i>deleted</i>	
<i>Article 52(3), third subparagraph</i>				
579	Where Member States indicate measures set out in Article 51(3)(b)(iii) in the Solidarity Response Plan they shall also indicate the detailed arrangements and the time-frame for their implementation.	<i>deleted</i>	<i>deleted</i>	
579a		<u>3a. The Member States which are not themselves benefitting Member States shall at the Solidarity Forum</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>provide additional pledges by completing the Solidarity Response Plan form in Annex II setting out the solidarity contributions referred to in Article 45. Member States shall prioritise the relocation of vulnerable persons, and in particular of unaccompanied minors.</u>		
579b		<u>Where Member States propose more than one type of contribution set out in Article 45 they shall indicate the share of each, including the detailed arrangements for its implementation, within the timeframe set out in Article 51(5).</u>		
579c		<u>3b. A benefitting Member State may request the contributing Member States to take responsibility for applications for international protection for which the benefitting Member State has been determined as responsible pursuant to Articles 19-23. Where contributing Member States agree, pursuant to Article 25 of this Regulation, to take responsibility for applications of international protection for which</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the benefitting Member State has been determined as responsible, they shall indicate their responsibility pursuant to Article x of Regulation (EU) xxx/xxx [Eurodac Regulation].</u>		
579d		<u>The first subparagraph shall not apply where the applicant is an unaccompanied minor and Article 15 applies.</u>		
Article 52(4)				
580	4. Where the Commission considers that the solidarity contributions indicated in the Solidarity Response Plans do not correspond to the needs identified in the report on migratory pressure provided for in Article 51, it shall convene the Solidarity Forum. In such cases, the Commission shall invite Member States to adjust the type of contributions in their Solidarity Response Plans in the course of the Solidarity Forum by submitting revised Solidarity Response Plans.	4. Where the ~~Commission considers that the~~ solidarity contributions indicated in the Solidarity Response Plans ~~do not~~ correspond to the needs identified in the ~~report on migratory pressure~~ <u>delegated act</u> provided for in Article 51, ~~it shall convene the Solidarity Forum. In such cases or~~ <u>the needs identified in the notification received pursuant to Article 49a</u> , the Commission shall, <u>no later than within one week from the adoption of that delegated act or receipt of that notification, adopt an implementing act setting out</u> ~~invite Member States to adjust the type of contributions in their Solidarity Response Plans in the course of the solidarity Forum by submitting~~	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~revised Solidarity Response Plans~~ <u>contributions from the Contributing Member States.</u>		
Article 52(5)				
581	5. A Member State proposing solidarity contributions set out in Article 51(3)(b)(ii), may request a deduction of 10% of its share calculated according to the distribution key set out in Article 54 where it indicates in the Solidarity Response Plans that over the preceding five years it has examined twice the Union average per capita of applications for international protection.	<i>deleted</i>	<i>deleted</i>	
581a		<u>Article 52a</u> <u>Postponement of transfer procedures</u>		
581b		<u>1. A benefitting Member State may, at any time when under migratory pressure, notify to the Commission and the other Member States of the temporary postponement of the transfer of applicants for a maximum period of nine months</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		<u>where it is responsible for the examination of their applications pursuant to Article 23. Transferring Member States shall not carry out transfers to the benefitting Member State during that established period, which shall in any case not be longer than the remaining part of the year. The time limits laid down in Article 35(1) shall start on the dates the postponement period ends.</u>	PUBLIC		
581c		<u>2. This temporary postponement is without prejudice to the possibility for the transferring Member States to assume responsibility, pursuant to Article 25 at any time for the applications in respect of which the transfer was pending.</u>			
581d		<u>3. Applicants whose transfer is postponed in accordance with paragraph 1 shall benefit from the reception conditions, in accordance with Article 17a of Directive (EU) XXX/XXX [Reception Conditions Directive] and 9(4), point (a), of this Regulation.</u>			
Article 53					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
582	Article 53 Commission implementing acts on solidarity in situations of migratory pressure	Article 53 Commission implementing acts on solidarity in situations of migratory pressure	<i>deleted</i>	
Article 53(1)				
583	1. Within two weeks from the submission of the Solidarity Response Plans referred to in Article 52(3) or, where the Solidarity Forum is convened pursuant to Article 52(4), within two weeks from the end of the Solidarity Forum, the Commission shall adopt an implementing act laying down the solidarity contributions for the benefit of the Member State under migratory pressure to be taken by the other Member States and the timeframe for their implementation.	<i>deleted</i>	<i>deleted</i>	
583a		<u>1a. Where the Commission considers that the solidarity contributions as referred to in Article 52(2) do not correspond to the needs identified in the delegated act to determine migratory pressure provided for in Article 51, or in the notification made pursuant to Article 49a, it shall set out the solidarity contributions of the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>contributing Member States as submitted by them and the distribution of solidarity contributions in accordance with the reference key for the remaining needs in an implementing act.</u>		
Article 53(2), first subparagraph				
584	2. The types of contributions set out in the implementing act shall be those indicated by Member States in their Solidarity Response Plans. Where one or more Member States have not submitted a Solidarity Response Plan, the Commission shall determine the types of contributions to be made by the Member State taking into account the needs identified in the report on migratory pressure.	<i>deleted</i>	<i>deleted</i>	
Article 53(2), second subparagraph				
585	Where the type of contribution indicated by Member States in their solidarity response plans is that referred to in Article 45(1), point (d), the Commission shall assess whether the measures proposed are in proportion to the contributions that the Member States would have made by means of the measures referred to in Article 45(1), points (a), (b) or (c) as a result of the application of the	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	distribution key set out in Article 54.			
<i>Article 53(2), third subparagraph</i>				
586	Where the measures proposed are not in proportion to the contributions that the contributing Member State would have made by means of the measures referred to in Article 45(1), points (a), (b) or (c), the Commission shall set out in the implementing act the measures proposed while adjusting their level.	<i>deleted</i>	<i>deleted</i>	
<i>Article 53(2), fourth subparagraph</i>				
587	Where the measures proposed would lead to a shortfall greater than 30% of the total number of solidarity measures identified in the report on migratory pressure under Article 51(3)(b)(ii), the contributions set out in the implementing act shall be adjusted so that those Member States indicating such measures would be required to cover 50% of their share calculated according to the distribution key set out in Article 54 through measures set out in Article 51(3)(b)(ii). The Commission shall adjust measures referred to in Article 51(3)(b)(iii) indicated by those Member States accordingly.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
587a		<u>2a. The implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(1a) no later than within two weeks from the submission of the notification pursuant to Article 49 or the delegated act referred to in Article 51 to the Member State concerned, the European Parliament and the Council.</u>		
Article 53(3), first subparagraph				
588	3. The implementing act shall set out:	3. The implementing act shall set out:	<i>deleted</i>	
Article 53(3), first subparagraph, point (a)				
589	(a) the total number of persons to be relocated from the requesting Member State pursuant to Article 45(1), points (a) or (c), taking into account the capacity and needs of the requesting Member States in the area of asylum identified in the report referred to in Article 51(3)(b)(ii);	(a) the total number of persons to be relocated from the requesting Member State pursuant to Article 45(1); ~~points (a) or (c), taking into account the capacity and needs of the requesting~~ <u>and the share of each contributing</u> Member ~~States in the area of asylum identified in the report referred to in Article 51(3)(b)(ii)~~ <u>State</u> ;	<i>deleted</i>	
589a		<u>(aa) capacity building measures in accordance with Article 55a(1) and</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the timeframe for its implementation.</u>		
Article 53(3), first subparagraph, point (b)				
590	(b) the total number of persons to be subject to return sponsorship from the requesting Member State pursuant to Article 45(1), point (b), taking into account the capacity and needs of the requesting Member States on return identified in the report referred to in Article 51(3)(b)(ii);	<i>deleted</i>	<i>deleted</i>	
Article 53(3), first subparagraph, point (c)				
591	(c) the distribution of persons to be relocated and/or those to be subject to return sponsorship among the Member States including the benefitting Member State, on the basis of the distribution key set out in Article 54;	<i>deleted</i>	<i>deleted</i>	
Article 53(3), first subparagraph, point (d)				
592	(d) the measures indicated by Member States pursuant to second, third and fourth subparagraph of paragraph 2.	<i>deleted</i>	<i>deleted</i>	
Article 53(3), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
593	The distribution referred to in paragraph 3 point (c) shall be adjusted where a Member State making a request pursuant to Article 52(5) demonstrates in the Solidarity Response Plan that over the preceding 5 years it has been responsible for twice the Union average per capita of applications for international protection. In such cases the Member State shall receive a deduction of 10/% of its share calculated according to the distribution key set out in Article 54. This deduction shall be distributed proportionately among the Member States making contributions referred to in Article 45(1) points (a), (b) and (c);	<i>deleted</i>	<i>deleted</i>	
593a		<u><i>The distribution referred to in the first subparagraph, point (a), of this paragraph shall be adjusted accordingly if a Member State has the right to a deduction of its share pursuant to Article 54(2).</i></u>		
Article 53(4)				
594	4. Where contributions have been made in response to a request by a Member State for solidarity support	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from other Member States to assist it in addressing the migratory situation on its territory to prevent migratory pressure pursuant to Article 56(1) within the preceding year, and where they correspond to the type of measures set out in the implementing act, the Commission shall deduct these contributions from the corresponding contributions set out in the implementing act.			
<i>Article 53(5), first subparagraph</i>				
595	5. On duly justified imperative grounds of urgency due to the migratory pressure present in a benefitting Member State, the Commission shall adopt immediately applicable implementing acts in accordance with the urgency procedure referred to in Article 67(3).	5. On duly justified imperative grounds of urgency due to the migratory pressure present in a benefitting Member State, the Commission shall adopt immediately applicable implementing acts in accordance with the urgency procedure referred to in Article 67(3).	<i>deleted</i>	
<i>Article 53(5), second subparagraph</i>				
596	Those acts shall remain in force for a period not exceeding 1 year.	Those acts shall ~~remain in force~~ <u>apply</u> for a period not exceeding 1 year.	<i>deleted</i>	
<i>Article 53(6)</i>				
597	6. The Commission shall report on the implementation of the	6. The Commission shall report on the ~~implementation~~ <u>application</u> of the	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing act one month after it ceases to apply. The report shall contain an analysis of the effectiveness of the measures undertaken.	implementing act one month after it ceases to apply. The report shall contain an analysis of the effectiveness of the measures undertaken.		
Article 54				
598	Article 54 Distribution key	Article 54 ~~Distribution~~ <u>Reference</u> key	<i>deleted</i>	
Article 54, first paragraph				
599	The share of solidarity contributions referred to in Article 45(1), points (a), (b) and (c) to be provided by each Member State in accordance with Articles 48 and 53 shall be calculated in accordance with the formula set out in Annex III and shall be based on the following criteria for each Member State, according to the latest available Eurostat data:	<u>1.</u> The share of solidarity contributions referred to in Article 45(1), ~~points (a), (b) and (c) to be provided by each Member State in accordance with Articles 48 and 53 shall be calculated in accordance with the formula set out in Annex III and~~ shall be based on the following criteria for each Member State, according to the latest available Eurostat data:	<i>deleted</i>	
Article 54, first paragraph, point (a)				
600	(a) the size of the population (50% weighting);	(a) the size of the population (50% weighting);	<i>deleted</i>	
Article 54, first paragraph, point (b)				
601	(b) the total GDP (50% weighting).	(b) the total GDP (50% weighting).		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>deleted</i>	
Article 54(1a)				
601a		<u><i>1a. A Member State proposing solidarity contributions set out in Article 45(1), may request a deduction of 10 % of its share calculated according to the reference key where it indicates in the Solidarity Response Plans that over the preceding ten years it has examined twice the Union average per capita of applications for international protection.</i></u>		
Article 55				
602	Article 55 Return sponsorship	<i>deleted</i>	<i>deleted</i>	
Article 55(1)				
603	<i>I. A Member State may commit to support a Member State to return illegally staying third-country nationals by means of return sponsorship whereby, acting in close coordination with the benefitting Member State, it shall take measures to carry out the return of those third-country nationals from the territory of the benefitting Member State.</i>	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 55(2)</i>				
604	2. Where a Member State commits to provide return sponsorship and the illegally staying third-country nationals who are subject to a return decision issued by the benefitting Member State do not return or are not removed within 8 months, the Member State providing return sponsorship shall transfer the persons concerned onto its own territory in line with the procedure set out in Articles 57 and 58. This period shall start from the adoption of the implementing act referred to in Article 53(1) or, where applicable, in Article 49(2).	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(3)</i>				
605	3. Where a Member State commits to provide return sponsorship in relation to third-country nationals who are not yet subject to a return decision in the benefitting Member State, the period referred to in paragraph 2 shall start to run from either of the following dates:	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(3), point (a)</i>				
606	(a) the date when a return decision is issued by the benefitting Member State; or	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 55(3), point (b)</i>				
607	(b) where a return decision is issued as a part of a decision rejecting an application for international protection or where a return decision is issued in a separate act, at the same time and together with the decision rejecting an application for international protection in accordance with Article 35a of Regulation (EU) XXX/XXX [Asylum Procedure Regulation], the date when the applicant or third-country national no longer has a right to remain and is not allowed to remain.	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph</i>				
608	4. The measures referred to in paragraph 1 shall include one or more of the following activities carried out by the sponsoring Member State:	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph, point (a)</i>				
609	(a) providing counselling on return and reintegration to illegally staying third-country nationals;	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph, point (b)</i>				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
610	(b) using the national programme and resources for providing logistical, financial and other material or in-kind assistance, including reintegration, to illegally staying third-country nationals willing to depart voluntarily;	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph, point (c)</i>				
611	(c) leading or supporting the policy dialogue and exchanges with the authorities of third countries for the purpose of facilitating readmission;	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph, point (d)</i>				
612	(d) contacting the competent authorities of third countries for the purpose of verifying the identity of third-country nationals and obtaining a valid travel document;	<i>deleted</i>	<i>deleted</i>	
<i>Article 55(4), first subparagraph, point (e)</i>				
613	(e) organising on behalf of the benefitting Member State the practical arrangements for the enforcement of return, such as charter or scheduled flights or other means of transport to the third country of return.	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<i>Article 55(4), second subparagraph</i>				
614	These measures shall not affect the obligations and responsibilities of the benefitting Member State laid down in Directive 2008/115/EC.	<i>deleted</i>	<i>deleted</i>	
614a		<u>Article 55a</u> <u>Capacity-building measures</u>		
614b		<u>1. A Member State may commit to support another Member State by providing capacity-building measures in the field of asylum, reception and pre-departure reintegration and operational support pursuant to Article 45(2).</u>		
614c		<u>Such measures shall be identified in the delegated act adopted on migratory pressure pursuant to Article 4c and 51 and address the specific needs of the benefitting Member State.</u>		
614d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>2. A Member State may commit to support another Member State at risk of migratory pressure by providing capacity-building measures in the field of asylum, reception, return and reintegration and operational support, including through cooperation with third countries.</u>		
614e		<u>Such measures shall be identified by the Commission and the benefitting Member State in their national strategies pursuant to Article 5.</u>		
614f		<u>3. Capacity-building measures in third countries shall be limited to measures which:</u>		
614g		<u>(a) enhance the capacity of asylum and reception in third countries, by strengthening, human and institutional expertise and capacity;</u>		
614h				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(b) promoting legal migration and well-managed mobility;</u>		
614i		<u>(c) reducing the vulnerabilities caused by human trafficking and smuggling and address the drivers of irregular migration and forced displacement;</u>		
614j		<u>(d) strengthening bilateral, regional and international partnerships on migration, forced displacement, legal pathways and mobility partnerships;</u>		
614k		<u>(e) supporting effective and human rights based migration policies;</u>		
614l		<u>(f) supporting sustainable reintegration of returning migrants and their families;</u>		
614m				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>4. Measures pursuant to this Article shall be in full compliance with fundamental rights and the Charter of Fundamental Rights.</u>		
614n		<u>5. The Commission and the Member State concerned with the support of the Asylum Agency and other relevant Union bodies, offices and agencies shall monitor the implementation of the capacity-building measures at regular intervals.</u>		
614o		<u>The Commission and the Member State concerned shall also take into account information from other relevant organisations.</u>		
614p		<u>6. The Commission shall keep the European Parliament and the Council regularly informed on its monitoring of capacity-building measures.</u>		
614q				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>A contributing Member State shall immediately end capacity-building measures that do not comply with fundamental rights.</i></u>		
614r		<u><i>The European Parliament shall immediately be informed when the second subparagraph of this paragraph is applied. The Commission shall take into account any recommendations provided by the European Parliament for the purpose of the second subparagraph of this paragraph.</i></u>		
Article 56				
615	Article 56 Other solidarity contributions	<i>deleted</i>	<i>deleted</i>	
Article 56(1)				
616	1. Where a Member State requests solidarity support from other Member States to assist it in addressing the migratory situation on its territory to prevent migratory pressure, it shall notify the Commission of that request.	<i>deleted</i>	<i>deleted</i>	
Article 56(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
617	2. Any Member State may, at any time, in response to a request for solidarity support by a Member State, or on its own initiative, including in agreement with another Member State, make contributions by means of the measures referred to in Article 45 for the benefit of the Member State concerned and with its agreement. Contributions referred to in article 45, point (d) shall be in accordance with the objectives of Regulation (EU) XXX/XXX [Asylum Migration Fund].	<i>deleted</i>	<i>deleted</i>	
Article 56(3)				
618	3. Member States which have contributed or plan to contribute with solidarity contributions in response to a request for solidarity support by a Member State, or on its own initiative, shall notify the Commission, thereof by completing the Solidarity Support Plan form set out in Annex IV. The Solidarity Response Plan shall include, where relevant, verifiable information, including on the scope and nature of the measures and their implementation.	<i>deleted</i>	<i>deleted</i>	
618a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 56a</u> <u>Support from Union bodies, offices and agencies</u>		
618b		<u>1. The Union bodies, offices and agencies acting in the field of asylum, border and migration management shall, within their respective mandates, provide support to the Member States and the Commission with a view to ensuring the proper implementation and functioning of this Regulation.</u>		
618c		<u>For the purpose of the first subparagraph, the relevant Union bodies, offices and agencies may provide competent authorities in the Member States with analyses, expertise and operational support.</u>		
618d		<u>2. Where requested by a Member State, a Union body, office or agency shall provide it with support. The Commission or a Union body, office or agency may, on its own initiative, propose to provide a specific Member State with support.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
618e		<u>Where the Commission or a Union body, office or agency proposes support to a Member State, that Member State shall take due account of the proposal. The Member State concerned may accept, amend or reject the proposal.</u>		
CHAPTER II				
619	CHAPTER II PROCEDURAL REQUIREMENTS	CHAPTER II PROCEDURAL REQUIREMENTS	CHAPTER II PROCEDURAL REQUIREMENTS	
Article 57				
620	Article 57 Procedure before relocation	Article 57 Procedure before relocation	Article 57 Procedure before relocation	
Article 57(1), first subparagraph				
621	1. The procedure set out in this Article shall apply to:	1. The procedure set out in this Article shall apply <u>for the relocation of persons referred to in Article 45(1) and in Article 45a, point (a).</u> ~~to:~~	1. The procedure set out in this Article shall apply to: persons referred to in Article 44a(2) point (a) [...].	
Article 57(1), first subparagraph, point (a)				
622				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) persons referred to in Article 45(1), points (a) and (c) and in Article 45(2), point (a);	<i>deleted</i>	<i>deleted</i>	
Article 57(1), first subparagraph, point (b)				
623	(b) persons referred to in Article 45(1), point (b) where the period referred to in Article 55(2) has expired, and Article 45(2), point (b).	<i>deleted</i>	<i>deleted</i>	
Article 57(1), second subparagraph				
623a		<u><i>The identification of persons who could be relocated shall be made by the benefitting Member State, in close cooperation the EU Relocation Coordinator, the contributing Member State and the Asylum Agency.</i></u>		
Article 57(2)				
624	2. Before applying the procedure set out in this Article, the benefitting Member State shall ensure that there are no reasonable grounds to consider the person concerned a danger to national security or public order of that Member State. If there are reasonable grounds to consider the person a danger to national security or public order, the benefitting Member State shall not	<i>deleted</i>	2. Before applying the procedure set out in this Article, the benefitting Member State shall ensure that there are no reasonable grounds to consider ~~that~~ the person concerned a ~~danger to national security or public order of that~~ poses a security or risk to the [...] Member State States . If there are reasonable grounds to consider ~~that~~ the person poses a security risk [...] before or during the procedure set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	apply the procedure set out in this Article and shall, where applicable, exclude the person from the list referred to in Article 49(2).		out in this Article, including where a security risk has been determined in accordance with Article 11 of Regulation (EU) XXX/XXX [Screening Regulation] a danger to national security or public order, the benefitting Member State shall not apply or immediately terminate the procedure set out in this Article. The benefitting Member State shall and shall, where applicable, exclude the person concerned from any future relocation or transfer to any Member State [...]. Where the person concerned is an applicant for international protection, the benefitting Member State shall be the Member State responsible in accordance with from the list referred to in Article 49(2)8(4).	
Article 57(2a)				
624a		<u>2a. For the purpose of paragraph 1, the benefitting and contributing Member States shall make use of the pre-screening criteria adopted by the Asylum Agency. The applicant shall be fully informed and consulted in the procedure of determination of the meaningful links and shall have the right to present relevant information and documentation to determine links to a specific Member State.</u>	2a. Where relocation is to be applied, the benefitting Member Sate shall inform the persons referred to in paragraph 1 of the procedure set out in this Article and Article 58, as well as, where applicable, of the obligations set out in Article 9(3), (4) and (5) and the consequences of non-compliance set out in Article 10.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
624b		<u>Where the identified person to be relocated is a beneficiary for international protection, the person concerned shall be relocated only after that person has consented to the relocation in writing.</u>		
624c		<u>Applicants who do not have links to any other country shall be fairly shared among the remaining participating Member States. Where applicable, the wish of the applicant to be relocated to a specific country shall be considered.</u>		
Article 57(2b), first subparagraph				
625	3. Where relocation is to be applied, the benefitting Member State shall identify the persons who could be relocated. Where the person concerned is an applicant for or a beneficiary of international protection, that Member State shall take into account, where applicable, the existence of meaningful links between the person concerned and the Member State of relocation. Where the identified person to be	<i>deleted</i>	~~32b.~~ Where relocation is to be applied, the benefitting Member State, or, upon request of the benefitting Member State, the Asylum Agency , shall identify the persons who could be relocated. Where the person concerned is an applicant for or a beneficiary of international protection, that Member State shall take into account, where applicable, the existence of meaningful links such	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relocated is a beneficiary for international protection, the person concerned shall be relocated only after that person consented to relocation in writing.		as those based on family or cultural considerations , between the person concerned and the Member State of relocation. Where the identified person to be relocated is a beneficiary for international protection, the person concerned shall be relocated only after that person consented to relocation in writing. [...] The person concerned shall not have the right to request to be relocated to a specific Member State pursuant to this Article.	
Article 57(2b), second subparagraph				
626	Where relocation is to be applied pursuant to Article 49, the benefitting Member State shall use the list drawn up by the Asylum Agency and the European Border and Coast Guard Agency referred to in Article 49(2).	<i>deleted</i>	<i>deleted</i>	
Article 57(2b), third subparagraph				
627	The first subparagraph shall not apply to applicants for whom the benefitting Member State can be determined as the Member State responsible pursuant to the criteria set out in Articles 15 to 20 and 24, with the exception of Article 15(5). Those applicants shall not be eligible	<i>deleted</i>	The first subparagraph shall not apply to applicants for whom the benefitting Member State can be determined as the Member State responsible pursuant to the criteria set out in Articles 15 to 20 and 24, with the exception of Article 15(5). Those applicants shall not be eligible	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for relocation.		for relocation.	
Article 57(2b), fourth subparagraph				
627a			Member States shall ensure that family members are relocated to the territory of the same Member State.	
627b		<u>3a. The EU Relocation Coordinator should support the relocation activities from the benefitting Member State to the contributing Member State.</u>		
Article 57(4)				
628	4. When the period referred to in Article 55(2) expires, the benefitting Member State shall immediately inform the sponsoring Member State that the procedure set out in paragraphs 5 to 10 shall be applied in respect of the illegally staying third-country nationals concerned.	<i>deleted</i>	<i>deleted</i>	
Article 57(5)				
629	5. The benefitting Member State shall transmit to the Member State of relocation as quickly as possible the	5. The benefitting Member State shall <u>notify and</u> transmit to the <u>contributing</u> Member State ~~of~~	5. In the cases referred to in paragraphs 2 and 3 , the benefitting Member State shall transmit to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relevant information and documents on the person referred to in paragraphs 2 and 3.	~~relocation~~ as quickly as possible the relevant information and documents on the person referred to in ~~paragraphs 2 and 3~~ <u>paragraph 1</u> .	Member State of relocation as quickly as possible ~~the~~ all relevant information and documents on the person referred to in ~~paragraphs 2 and 3~~ by using a standard form, enabling the authorities of the Member State of relocation to check whether there are grounds to consider that the person concerned poses a security risk to the Member States. [...]	
Article 57(6), first subparagraph				
630	6. The Member State of relocation shall examine the information transmitted by the benefitting Member State pursuant to paragraph 5, and verify that there are no reasonable grounds to consider the person concerned a danger to its national security or public order.	6. The <u>contributing</u> Member State ~~of relocation~~ shall ~~examine the information transmitted by the benefitting Member State pursuant to paragraph 5, and verify that there are no reasonable grounds to consider~~ <u>confirm within 72 hours that it will relocate</u> the person concerned ~~a danger to its national security or public order.~~	6. The Member State of relocation shall examine the information transmitted by the benefitting Member State pursuant to paragraph 5, and verify that there are no reasonable grounds to consider the person concerned [...] poses a security risk to the Member States. The Member State of relocation may choose to verify this information during a personal interview with the person concerned. The personal interview shall take place within the time limits provided for in paragraph 7 ~~a danger to its national security or public order.~~	
Article 57(6), first subparagraph a				
630a		<u>A contributing Member State may</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>verify that there are no reasonable grounds to consider the person concerned an individual and specific threat to its internal security where:</u>		
Article 57(6), first subparagraph a, point (a)				
630b		<u>(a) a security check in accordance with Article X of Regulation (EU) xxx/xxx has provided a hit related to internal security;</u>		
Article 57(6), first subparagraph a, point (b)				
630c		<u>(b) a security check has not previously been carried out in accordance with Regulation (EU) xxx/xxx [Screening Regulation].</u>		
Article 57(6), first subparagraph b				
630d		<u>Where the checks confirm that there are reasonable grounds to consider the person concerned an individual and specific threat to internal security, the contributing Member State shall inform within 72 hours the benefitting Member State that relocation of that person shall not take place.</u>		
Article 57(6), first subparagraph c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
630e		<u><i>Failure to act within the 72 hours shall be considered as confirming the notification and entail the obligation to relocate the person.</i></u>		
Article 57(7), first subparagraph				
631	7. Where there are no reasonable grounds to consider the person concerned a danger to its national security or public order, the Member State of relocation shall confirm within one week that it will relocate the person concerned.	<i>deleted</i>	7. Where there are no reasonable grounds to consider the person concerned ~~a danger to its national security or public order~~ [...] poses a security risk to the Member States , the Member State of relocation shall confirm within one week of receipt of the relevant information from the benefitting Member State that it will relocate the person concerned.	
Article 57(7), second subparagraph				
632	Where the checks confirm that there are reasonable grounds to consider the person concerned a danger to its national security or public order, the Member State of relocation shall inform within one week the benefitting Member State of the nature of and underlying elements for an alert from any relevant database. In such cases, relocation of the person concerned shall not take place.	<i>deleted</i>	Where the checks confirm that there are reasonable grounds to consider the person concerned poses a security risk to [...] the Member States ~~a danger to its national security or public order~~ , the Member State of relocation shall inform the benefitting Member State , within one week of receipt of the relevant information from that the benefitting Member State [...] of the nature of and underlying elements for an alert from any relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			database. In such cases, relocation of the person concerned shall not take place [...].	
Article 57(7), third subparagraph				
633	In exceptional cases, where it can be demonstrated that the examination of the information is particularly complex or that a large number of cases need checking at that time, the Member State of relocation may give its reply after the one-week time limit mentioned in the first and second subparagraphs, but in any event within two weeks. In such situations, the Member State of relocation shall communicate its decision to postpone a reply to the benefitting Member State within the original one-week time limit.	<i>deleted</i>	In exceptional cases, where it can be demonstrated that the examination of the information is particularly complex or that a large number of cases need checking at that time, the Member State of relocation may give its reply after the one-week time limit mentioned in the first and second subparagraphs, but in any event within two weeks. In such situations, the Member State of relocation shall communicate its decision to postpone a reply to the benefitting Member State within the original one-week time limit.	
Article 57(7), fourth subparagraph				
634	Failure to act within the one-week period mentioned in the first and second subparagraphs and the two-week period mentioned in the third subparagraph of this paragraph shall be tantamount to confirming the receipt of the information, and entail the obligation to relocate the person, including the obligation to provide for proper arrangements for arrival.	<i>deleted</i>	Failure to act within the one-week period mentioned in the first and second subparagraphs and the two-week period mentioned in the third subparagraph of this paragraph shall be tantamount to confirming the receipt of the information, and entail the obligation to relocate the person, including the obligation to provide for proper arrangements for arrival.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 57(8), first subparagraph				
635	8. The benefitting Member State shall take a transfer decision at the latest within one week of the confirmation by the Member State of relocation. It shall notify the person concerned in writing without delay of the decision to transfer him or her to that Member State.	8. The benefitting Member State shall take a ~~transfer~~ <u>relocation</u> decision at the latest within one week of the confirmation by the Member State of relocation. It shall notify the person concerned in writing without delay of the decision to transfer him or her to that Member State, <u>and at the latest 48 hours before the relocation in case of applicants and 1 week before the relocation in case of beneficiaries.</u>	8. The benefitting Member State shall take a transfer decision at the latest within one week of the confirmation by the Member State of relocation. It shall notify the person concerned in writing without delay of the decision to transfer him or her to that Member State and, where applicable, of the fact that it will not examine his of her application for international protection.	
Article 57(8), first subparagraph a				
635a		<u>Where the person to be relocated is an applicant, he or she shall comply with the relocation decision.</u>		
Article 57(9)				
636	9. The transfer of the person concerned from the benefitting Member State to the Member State of relocation shall be carried out in accordance with the national law of the benefitting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within 4 weeks of the confirmation by the Member State of relocation or of the final decision on an appeal or	9. The ~~transfer~~ <u>relocation</u> of the person concerned from the benefitting Member State to the <u>contributing</u> Member State ~~of relocation~~ shall be carried out in accordance with the national law of the benefitting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within 4 weeks of the confirmation by the <u>contributing</u> Member State ~~of~~	9. The transfer of the person concerned from the benefitting Member State to the Member State of relocation shall be carried out in accordance with the national law of the benefitting Member State, after consultation between the Member States concerned, as soon as practically possible, and at the latest within 4 weeks of the confirmation by the Member State of relocation or of the final decision on an appeal or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	review of a transfer decision where there is a suspensive effect in accordance with Article 33(3).	~~relocation~~ 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).	review of a transfer decision where there is a suspensive effect in accordance with Article 33(3).	
Article 57(9a)				
636a			9a. The benefitting and the contributing Member States shall continue the process of relocation even after the timeframe for the implementation or the validity of implementing acts has expired.	
Article 57(9b), first subparagraph				
637	10. Articles 32(3), (4) and (5), Articles 33 and 34, Article 35(1) and (3), Article 36(2) and (3), and Articles 37 and 39 shall apply <i>mutatis mutandis</i> to the transfer for the purpose of relocation.	10. Articles 32(3), (4) and (5), Articles 33 and 34, Article 35(1) and (3), Article 36(2) and (3), and Articles 37 and 39 shall apply <i>mutatis mutandis</i> to the transfer for the purpose of relocation.	~~109b.~~ Articles 32(3), (4) and (5), Articles 33 and 34, Article 35(1) and (3), Article 36(2) and (3), and Articles 37 and 39 shall apply ~~<i>mutatis mutandis</i>~~ to the transfer for the purpose of relocation.	
Article 57(9b), second subparagraph				
637a			The benefitting Member State carrying out the transfer of a beneficiary of international protection shall transmit to the Member State of relocation all the information referred to in Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			40(2), information on which grounds the beneficiary based his or her application, and the grounds for any decisions taken concerning the beneficiary.	
Article 57(11)				
638	11. The Commission shall, by means of implementing acts, adopt uniform conditions for the preparation and submission of information and documents for the purpose of relocation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).	11. The Commission shall, by means of implementing acts, adopt uniform conditions for the preparation and submission of information and documents for the purpose of relocation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). <u>In the preparation of those implementing acts, the Commission shall consult the Asylum Agency and the EU Relocation Coordinator.</u>	11. The Commission shall, by means of implementing acts, adopt uniform conditions for the preparation and submission of information and documents for the purpose of relocation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).	
Article 58				
639	Article 58 Procedure after relocation	Article 58 Procedure after relocation	Article 58 Procedure after relocation	
Article 58(1)				
640	1. The Member State of relocation shall inform the benefitting Member State of the safe arrival of the person concerned or of the fact that he or	1. The <u>contributing</u> Member State ~~of relocation~~ shall inform the benefitting Member State, <u>Asylum Agency and the EU Relocation</u>	1. The Member State of relocation shall inform the benefitting Member State of the safe arrival of the person concerned or of the fact that he or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	she did not appear within the set time limit.	<u>Coordinator</u> of the safe arrival of the person concerned or of the fact that he or she did not appear within the set time limit.	she did not appear within the set time limit.	
Article 58(2), first subparagraph				
641	2. Where the Member State of relocation has relocated an applicant for whom the Member State responsible has not yet been determined, that Member State shall apply the procedures set out in Part III, with the exception of Article 8(2), Article 9(1) and (2), Article 15(5), and Article 21(1) and (2).	2. ~~Where the Member State of relocation has relocated an applicant for whom the~~ <u>The contributing</u> Member State ~~responsible has not yet been determined, that Member State shall~~ <u>shall not</u> apply the procedures set out in Part III, ~~with the exception of Article 8(2), Article 9(1) and (2), Article 15(5), and Article 21(1) and (2)~~ <u>after relocating an applicant or beneficiary for international protection.</u>	2. Where the Member State of relocation has relocated an applicant for whom the Member State responsible has not yet been determined, that Member State shall apply the procedures set out in Part III, with the exception of Article 8(2), Article 9(1) and (2), Article 15(5), and Article 21(1) and (2).	
Article 58(2), second subparagraph				
642	Where no Member State responsible can be designated under the first subparagraph, the Member State of relocation shall be responsible for examining the application for international protection.	<i>deleted</i>	Where no Member State responsible can be designated under the first subparagraph, the Member State of relocation shall be responsible for examining the application for international protection.	
Article 58(2), third subparagraph				
643	The Member State of relocation shall indicate its responsibility in	The Member State of relocation shall indicate its responsibility in	The Member State of relocation shall indicate its responsibility in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Eurodac pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation].	Eurodac pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation].	Eurodac pursuant to Article 11(1) of Regulation (EU) XXX/XXX [~~Eurodac Regulation~~ Eurodac Regulation].	
Article 58, first subparagraph				
644	3. Where the Member State of relocation has relocated an applicant for whom the benefitting Member State had previously been determined as responsible on other grounds than the criteria referred to in Article 57(3) third subparagraph, the responsibility for examining the application for international protection shall be transferred to the Member State of relocation.	3. Where the <u>benefitting</u> Member State of relocation has relocated an applicant for whom the benefitting Member State had previously been determined as responsible on other grounds than the criteria referred to in Article 57(3) third subparagraph, the responsibility for examining the application for international protection shall be transferred to the <u>contributing</u> Member State of relocation.	3. Where the Member State of relocation has relocated an applicant for whom the benefitting Member State had previously been determined as responsible on other grounds than the criteria referred to in Article 57(3) ~~third~~ second [...] subparagraph, the responsibility for examining the application for international protection shall be transferred to the Member State of relocation.	
Article 58(3), second subparagraph				
644a			3. Responsibility for examining any further representations or a subsequent application of the person concerned in accordance with Articles 42 and 43 of Regulation (EU) XXX/XXX [Asylum Procedure Regulation] shall also be transferred to the Member State of relocation.	
Article 58(3), third subparagraph				
645				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The Member State of relocation shall indicate its responsibility in Eurodac pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation].	The Member State of relocation shall indicate its responsibility in Eurodac pursuant to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation].	The Member State of relocation shall indicate its responsibility in Eurodac pursuant to Article 11(3) of Regulation (EU) XXX/XXX [~~Eurodac Regulation~~ Eurodac Regulation].	
Article 58(4)				
646	4. Where the Member State of relocation has relocated a beneficiary for international protection, the Member State of relocation shall automatically grant international protection status respecting the respective status granted by the benefitting Member State.	4. Where the <u>benefitting</u> Member State ~~of relocation~~ has relocated a beneficiary for international protection, the <u>contributing</u> Member State ~~of relocation~~ shall automatically grant international protection status respecting the respective status granted by the benefitting Member State.	4. Where the Member State of relocation has relocated a beneficiary for international protection, the Member State of relocation shall automatically grant international protection status respecting the respective status granted by the benefitting Member State.	
Article 58(5)				
647	5. Where the Member State of relocation has relocated a third-country national who is illegally staying on its territory, of Directive 2008/115/EC shall apply.	<i>deleted</i>	5. Where the Member State of relocation has relocated a third-country national who is illegally staying on its territory, of Directive 2008/115/EC shall apply.	
Article 58(5a), first subparagraph				
647a			Where no Member State responsible can be designated under the first subparagraph, the Member State of relocation shall be responsible for examining the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			application for international protection.	
Article 58(6) third subparagraph				
647b			The Member State which has conducted the process of determining the Member State responsible shall indicate the Member State responsible in Eurodac pursuant to Article 11(1) of Regulation (EU) XXX/XXX [Eurodac Regulation].	
Article 58(6) first subparagraph				
647c			6. Where the third-country national makes an application for international protection for the first time following the transfer to the Member State of relocation, the Member State in which the application was registered shall apply the procedures set out in Part III, with the exception of Article 8(2), Article 9(1) and (2), Article 15(5), and Article 21(1) and (2).	
Article 58(5b), first subparagraph				
647d				
Article 58(5b), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
647e				
Article 58(5b), third subparagraph				
647f				
Article 58a				
647g		<u>Article 58a</u> <u>EU Relocation Coordinator</u>	Article 58a Procedure for Responsibility Offsets under Article 44h(1) and (2)	
Article 58a(1)				
647h		<u>1. With a view to supporting the implementation of the relocation mechanism established under this Regulation, the Commission shall appoint an EU Relocation Coordinator, who will coordinate the relocation activities from the benefitting Member State to the contributing Member State, in accordance with the implementing acts set out in 45b , Article 52 or Article 53.</u>	1. Where a benefitting Member State may request another Member State to take responsibility for examining a number of applications for international protection pursuant to Article 44h(1) and (2), it shall transmit its request to the contributing Member State and include the number of applications for international protection to be taken responsibility for instead of relocations.	
Article 58a(2), first paragraph				
647i		<u>2. The EU Relocation Coordinator shall:</u>	2. The contributing Member State shall give a decision on the request within 30 days of receipt of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			request.	
647j		<u>(a) coordinate and support the communication between the Member States involved;</u>		
647k		<u>(b) keep an overview of the persons eligible for relocation and follow up on the ongoing relocation, and on the contributions of the Member States involved;</u>		
647l		<u>(c) organise, at regular intervals, meetings between the authorities of the Member States to establish the needs, including at an operational level, in order to facilitate the best interaction and cooperation among Member States, in the interest of the persons eligible for relocation and the efficiency of the relocation mechanism;</u>		
647m		<u>(d) promote best practices in the field of relocation;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
647n		<u>(e) encourage Member States to take into consideration the capacities and willingness of regional and local authorities to take part in relocation efforts;</u>		
647o		<u>(f) convene and chair the Solidarity Forum referred to in Article 47.</u>		
Article 58a(2), second subparagraph				
647p			The contributing Member State may decide to accept to take responsibility for examining a lower number of applications for international protection than requested by the benefitting Member State.	
Article 58a(2), third subparagraph				
647q			The Member State which has accepted a request pursuant to paragraph 2 shall identify the individual applications for international protection for which it takes responsibility for and shall indicate its responsibility pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to Article 11(3) of Regulation (EU) XXX/XXX [Eurodac Regulation].	
647r		<u>3. The EU Relocation Coordinator shall provide an annual report, with a quarterly bulletin on the state of the implementation and functioning of the relocation mechanism. The report and bulletin shall be transmitted to the European Parliament and to the Council.</u>		
647s		<u>4. Member States shall provide the EU Relocation Coordinator with necessary data and information for the EU Relocation Coordinator to effectively carry out its task.</u>		
647t		<u>3. For the purpose of paragraph 2, the EU Relocation Coordinator shall be assisted by an Office and provided with the necessary financial and human resources to effectively carry out its tasks.</u>		
647u				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>The EU Relocation Coordinator shall work closely with the Asylum Agency to coordinate the practical details of relocation under this Regulation.</i></u>		
647v		<u><i>6. In the event of a crisis as defined in Article X of Regulation EU xx/xx [Crisis Regulation], the EU Relocation Coordinator shall also carry out the tasks in accordance with Article X of that Regulation.</i></u>		
Article 59				
648	Article 59 Other obligations	Article 59 Other obligations	Article 59 Other obligations	
Article 59, first paragraph				
649	The benefitting and contributing Member States shall keep the Commission informed on the implementation of solidarity measures taken on a bilateral level including measures of cooperation with a third country.	~~The benefitting and contributing~~ Member States shall keep the Commission, <u>Asylum Agency and the EU Relocation Coordinator</u> informed on the implementation of solidarity measures taken on a bilateral level including measures of cooperation with a third country.	The benefitting and contributing Member States shall keep the Commission informed on the implementation of solidarity measures ~~taken on a bilateral level~~ [...] including measures of cooperation with a third country.	
Article 60				
650				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 60 Operational coordination	Article 60 Operational coordination	<i>deleted</i>	
<i>Article 60, first paragraph</i>				
651	Upon request, the Commission shall coordinate the operational aspects of the measures offered by the contributing Member States, including any assistance by experts or teams deployed by the Asylum Agency or the European Border and Coast Guard Agency.	Upon request, the Commission shall coordinate the operational aspects of the measures offered by the contributing Member States, including any assistance by experts or teams deployed by the Asylum Agency, or the European Border and Coast Guard <u>Agency or any other Union office, body or</u> agency.	<i>deleted</i>	
CHAPTER III				
652	CHAPTER III FINANCIAL SUPPORT PROVIDED BY THE UNION	CHAPTER III FINANCIAL SUPPORT PROVIDED BY THE UNION	CHAPTER III FINANCIAL SUPPORT PROVIDED BY THE UNION	
Article 61				
653	Article 61 Financial support	Article 61 Financial support	Article 61 Financial support	
Article 61, first paragraph				
654	Funding support following relocation pursuant to Chapters I and II of Part IV shall be implemented in accordance with Article 17 of Regulation (EU) XXX/XXX	<u>In accordance with the principle of solidarity and fair sharing of responsibility, Member States shall receive appropriate and proportionate funding support from</u>	Funding support following relocation pursuant to Chapters I and II of Part IV shall be implemented in accordance with Article ~~17~~ 20 [...] of Regulation (EU) ~~XXX/XXX~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	[Asylum and Migration Fund].	<u>the Union budget to apply this Regulation.</u> Funding support following relocation pursuant to Chapters I and II of Part IV shall be implemented in accordance with Article 17 of Regulation (EU) XXX/XXX [Asylum and Migration Fund].	[Asylum and Migration Fund] 2021/1147 [...]. ¹ 1. When there is agreement on the new AMMR, amendments to AMIF could be envisaged to reflect the corresponding funding needs.	
V				
655	V PART V	V PART V	PART V PART V GENERAL PROVISIONS	
Article 62				
656	Article 62 Data security and data protection	Article 62 Data security and data protection	Article 62 Data security and data protection	
Article 62(-1)				
656a			-1. This Regulation is without prejudice to Union law on the protection of personal data, in particular Regulation (EU) 2016/679, Regulation (EU) 2018/1725 [and Directive (EU) 2016/680].	
Article 62(1)				
657	1. Member States shall implement appropriate technical and	1. <u>Without prejudice to Section 2 of Chapter IV of Regulation (EU)</u>	1. Member States shall implement appropriate technical and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	organisational measures to ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed.	2016/679 , Member States shall implement appropriate technical and organisational measures to ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed.	organisational measures to ensure the security of personal data processed under this Regulation and in particular to prevent unlawful or unauthorised access or disclosure, alteration or loss of personal data processed.	
Article 62(2)				
658	2. The competent supervisory authority or authorities of each Member State shall monitor the lawfulness of the processing of personal data by the authorities referred to in Article 41 of the Member State in question.	2. Without prejudice to Section 2 of Chapter IV of Regulation (EU) 2016/679 , the competent supervisory authority or authorities of each Member State shall monitor and enforce the lawfulness of the processing of personal data by the authorities referred to in Article 41 of the Member State in question.	2. The competent supervisory authority or authorities of each Member State shall monitor independently, in accordance with its respective national law , the lawfulness of the processing of personal data by the authorities referred to in Article 41 of the Member State in question.	
658a		2a. The common and secure electronic transmission and communication system referred to in Article 40 shall fully comply with this Article.		
Article 62(3)				
659	3. The processing of personal data by the Asylum Agency shall be	3. The processing of personal data by the Asylum Agency shall be	3. The processing of personal data by the Asylum Agency shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subject to Regulation (EU) XXX/XXX [European Union Asylum Agency], in particular as regards the monitoring of the European Data Protection Supervisor.	subject to Regulation (EU) ~~XXX/XXX~~ <u>2018/1725 of the European Union Asylum Agency</u> ~~Parliament and of the Council~~ ^{1a} , in particular as regards the ~~monitoring of~~ <u>supervision by</u> the European Data Protection Supervisor. <u>1a. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 29).</u>	subject to Regulation (EU) XXX/XXX [European Union Asylum Agency] <u>2021/2303</u> [...], in particular as regards the monitoring ~~of~~ <u>by</u> [...] the European Data Protection Supervisor.	
Article 63				
660	Article 63 Confidentiality	Article 63 Confidentiality	Article 63 Confidentiality	
Article 63, first paragraph				
661	Member States shall ensure that the authorities referred to in Article 41 are bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.	<u>Without prejudice to Section 2 of Chapter IV of Regulation (EU) 2016/679</u> , Member States shall ensure that the authorities referred to in Article 41 are bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.	Member States shall ensure that the authorities referred to in Article 41 are bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 64				
662	Article 64 Penalties	Article 64 Penalties	Article 64 Penalties	
Article 64, first paragraph				
663	Member States shall lay down the rules on penalties, including administrative or criminal penalties in accordance with national law, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.	Member States shall lay down the rules on penalties, including administrative or criminal penalties in accordance with national law, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.	Member States shall lay down the rules on penalties, including administrative or criminal penalties in accordance with national law, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.	
Article 65				
664	Article 65 Calculation of time limits	Article 65 Calculation of time limits	Article 65 Calculation of time limits	
Article 65, first paragraph				
665	Any period of time provided for in this Regulation shall be calculated as follows:	Any period of time provided for in this Regulation shall be calculated as follows:	Any period of time provided for in this Regulation shall be calculated as follows:	
Article 65, first paragraph, point (a)				
666	(a) where a period expressed in days, weeks or months is to be	(a) where a period expressed in days, weeks or months is to be	(a) where a period expressed in days, weeks or months is to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question;	
Article 65, first paragraph, point (b)				
667	(b) a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	(b) a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	(b) a period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;	
Article 65, first paragraph, point (c)				
668	(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	(c) time limits shall include Saturdays, Sundays and official holidays in any of the Member States concerned.	
Article 66				
669	Article 66 Territorial scope	Article 66 Territorial scope	Article 66 Territorial scope	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 66, first paragraph				
670	As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	As far as the French Republic is concerned, this Regulation shall apply only to its European territory.	
Article 67				
671	Article 67 Committee	Article 67 Committee	Article 67 Committee	
Article 67(1)				
672	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
672a		<u>1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</u>		
Article 67(2), first subparagraph				
673	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 67(2), second subparagraph				
674	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	
Article 67(3)				
675	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply.	<i>deleted</i>	
Article 68				
676	Article 68 Exercise of the delegation	Article 68 Exercise of the delegation	Article 68 Exercise of the delegation	
Article 68(1)				
677	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 68(2)				
678	2. The power to adopt delegated acts referred to in Articles 15(6) and 24(3) shall be conferred on the Commission for a period of 5 years	2. The power to adopt delegated acts referred to in Articles 15(6) and 24(3) shall be conferred on the Commission for a period of 5 years	2. The power to adopt delegated acts referred to in Articles 15(6) and 24(3) shall be conferred on the Commission for a period of 5 years	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 68(3)				
679	3. The delegation of power referred to in Articles 15(6) and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 15(6) and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 15(6) and 24(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 68(4)				
680	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	
Article 68(5)				
681	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 68(6)				
682	6. A delegated act adopted pursuant to Articles 15(6) and 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 15(6) and 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 15(6) and 24(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ~~two~~ four [...] months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
682a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Article 68a</u> <u>Urgency procedure</u>		
682b		<u>Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.</u>		
682c		<u>Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 68(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.</u>		
Article 69				
683	Article 69 Monitoring and evaluation	Article 69 Monitoring and evaluation	Article 69 Monitoring and evaluation	
Article 69, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
684	By [18 months after entry into force] and from then on annually, the Commission shall review the functioning of the measures set out in Chapters I-III of Part IV of this Regulation.	By [18 months after entry into force] and from then on ~~annually~~ <u>every two years</u> , the Commission shall review the functioning of the measures set out in Chapters I-III of Part IV of this Regulation <u>and report on the implementation of the measures set out in this Regulation. The report shall be communicated to the European Parliament and the Council.</u>	By [18 months after entry into force] and from then on annually, the Commission shall review the functioning of the measures set out in Chapters I-III of [...] Part IV of this Regulation.	
Article 69, second paragraph				
685	[Three years after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]	<i>deleted</i>	[Three years after entry into force, the Commission shall report on the implementation of the measures set out in this Regulation.]	
Article 69, third paragraph				
685a			On a regular basis and as a minimum every three years, the Commission shall review the relevance of the numbers set out in Article 7c(2), points (a) and (b) and the overall functioning of Part III of this Regulation, including whether the definition of family members should be modified and the length of the time limits set out in that Part, against the overall migratory situation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69, fourth paragraph				
686	No sooner than [five] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [five] years time limit expires.	No sooner than ~~[five]~~ ^{three} years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the ~~[five] years~~ ^{above mentioned} time limit expires.	No sooner than [five] years after the date of application of this Regulation, and every five years thereafter, the Commission shall carry out an evaluation of this Regulation. The Commission shall present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. Member States shall provide the Commission all information necessary for the preparation of that report, at the latest six months before the [five] years time limit expires.	
Article 70				
687	Article 70 Statistics	Article 70 Statistics	Article 70 Statistics	
Article 70, first paragraph				
688	In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council ¹ , Member States shall communicate to the Commission (Eurostat), statistics concerning the application of this Regulation and of Regulation (EC) No 1560/2003.	In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council ¹ , Member States shall communicate to the Commission (Eurostat), statistics concerning the application of this Regulation and of Regulation (EC) No 1560/2003.	In accordance with Article 4(4) of Regulation (EC) No 862/2007 of the European Parliament and of the Council ¹ , Member States shall communicate to the Commission (Eurostat), statistics concerning the application of this Regulation and of Regulation (EC) No 1560/2003.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, OJ L 199, 31.7.2007, p. 23.	1. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, OJ L 199, 31.7.2007, p. 23.	1. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection, OJ L 199, 31.7.2007, p. 23.	
VI				
689	VI PART VI	VI PART VI	PART VI PART VI AMENDMENTS TO OTHER UNION ACTS	
Article 71				
690	Article 71 Amendments to the Long Term Residence Directive	Article 71 Amendments to the Long Term Residence Directive	<i>deleted</i> <i>To be dealt with under the recast of the Long Term Residence Directive.</i>	
Article 71(1), first subparagraph				
691	1. Directive 2003/109/EC is amended as follows:	1. Directive 2003/109/EC is amended as follows:	<i>deleted</i>	
Article 71(1), second subparagraph				
692	Article 4 is amended as follows:	Article 4 is amended as follows:	<i>deleted</i>	
Article 71(1), second subparagraph, point (a)				
693	(a) in paragraph 1, the following	(a) in paragraph 1, the following		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sub-paragraph is added:	sub-paragraph is added:	<i>deleted</i>	
<i>Article 71(1), second subparagraph, point (a), amending provision, first paragraph</i>				
694	“ With regard to beneficiaries of international protection, the required period of legal and continuous residence shall be three years. ”	“ With regard to beneficiaries of international protection, the required period of legal and continuous residence shall be three years. ”	<i>deleted</i>	
<i>Article 72</i>				
695	Article 72 Amendments to Regulation (EU) XXX/XXX [Asylum and Migration Fund]	Article 72 Amendments to Regulation (EU) XXX/XXX [Asylum and Migration Fund]	Article 72 [Amendments to Regulation (EU) XXX/XXX [Asylum and Migration Fund] When there is agreement on the new AMMR, amendments to AMIF could be envisaged to reflect the corresponding funding needs.	
<i>Article 72, first paragraph</i>				
696	Regulation (EU) XXX/XXX [Asylum and Migration Fund] is amended as follows:	Regulation (EU) XXX/XXX [Asylum and Migration Fund] is amended as follows:	Regulation (EU) XXX/XXX [Asylum and Migration Fund] is amended as follows:	
<i>Article 72, first paragraph, point (1)</i>				
697	1. Article 16 is replaced by the	1. Article 16 is replaced by the	1. Article 16 is replaced by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following:	following:	following:	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (1)				
698	" 1. Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an amount of EUR 10 000 for each person admitted through resettlement or humanitarian admission.	" 1. Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an amount of EUR 10 000 for each person admitted through resettlement or humanitarian admission.	" 1. Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an amount of EUR 10 000 for each person admitted through resettlement or humanitarian admission.	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (2)				
699	2. Where appropriate, Member States may also be eligible for an additional amount of EUR 10 000 for family members of persons referred to in paragraph 1, if the persons are admitted to ensure family unity.	2. Where appropriate, Member States may also be eligible for an additional amount of EUR 10 000 for family members of persons referred to in paragraph 1, if the persons are admitted to ensure family unity.	2. Where appropriate, Member States may also be eligible for an additional amount of EUR 10 000 for family members of persons referred to in paragraph 1, if the persons are admitted to ensure family unity.	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (3)				
700	3. The amount referred to in paragraph 1 shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	3. The amount referred to in paragraph 1 shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	3. The amount referred to in paragraph 1 shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (4)				
701				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. The additional amount referred to in paragraph 1 shall be allocated to the Member State programme. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. The amount referred to in paragraph 1 may be included in the payment applications to the Commission, provided that the person in respect of whom the amount is allocated was resettled or admitted.	4. The additional amount referred to in paragraph 1 shall be allocated to the Member State programme. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. The amount referred to in paragraph 1 may be included in the payment applications to the Commission, provided that the person in respect of whom the amount is allocated was resettled or admitted.	4. The additional amount referred to in paragraph 1 shall be allocated to the Member State programme. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. The amount referred to in paragraph 1 may be included in the payment applications to the Commission, provided that the person in respect of whom the amount is allocated was resettled or admitted.	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (5)				
702	5. Member States shall keep the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission, while applicable provisions concerning data retention periods shall prevail.	5. Member States shall keep the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission, while applicable provisions concerning data retention periods shall prevail.	5. Member States shall keep the information necessary to allow the proper identification of the persons resettled or admitted and of the date of their resettlement or admission, while applicable provisions concerning data retention periods shall prevail.	
Article 72, first paragraph, point (1), amending provision, numbered paragraph (6)				
703	6. To take account of current inflation rates and relevant developments in the field of resettlement, and within the limits of available resources, the Commission shall be empowered to adopt	6. To take account of current inflation rates and relevant developments in the field of resettlement, and within the limits of available resources, the Commission shall be empowered to adopt	6. To take account of current inflation rates and relevant developments in the field of resettlement, and within the limits of available resources, the Commission shall be empowered to adopt	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delegated acts in accordance with Article 32 of this Regulation to adjust, if deemed appropriate, the amount referred to in paragraph 1 of this Article, to take into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by those amounts. ”	delegated acts in accordance with Article 32 of this Regulation to adjust, if deemed appropriate, the amount referred to in paragraph 1 of this Article, to take into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by those amounts. ”	delegated acts in accordance with Article 32 of this Regulation to adjust, if deemed appropriate, the amount referred to in paragraph 1 of this Article, to take into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by those amounts. ”	
Article 72, first paragraph, point (2)				
704	2. Article 17 is replaced by the following:	2. Article 17 is replaced by the following:	2. Article 17 is replaced by the following:	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (1)				
705	“ 1. A Member State shall receive a contribution of:	“ 1. A Member State shall receive a contribution of:	“ 1. —A Member State shall receive a contribution of:	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (1), point (a)				
706	(a) EUR [10 000] per applicant for whom that Member State becomes responsible as a result of relocation in accordance with Articles 48, 53 and Article 56 Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation];	(a) EUR [10 000] per applicant for whom that Member State becomes responsible as a result of relocation in accordance with Articles 48, 53 and Article 56 Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation];	(a) EUR [10 000] per applicant for whom that Member State becomes responsible as a result of relocation in accordance with Articles 48,– 53 and Article 56 Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation – ~~Asylum and Migration Management~~]	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation];	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (1), point (b)				
707	(b) EUR [10 000] per beneficiary of international protection relocated in accordance with Articles 53 and 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation];	(b) EUR [10 000] per beneficiary of international protection relocated in accordance with Articles 53 and 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation];	(b) EUR [10 000] per beneficiary of international protection relocated in accordance with Articles 53 and 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation ~~Asylum and Migration Management Regulation~~];	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (1), point (c)				
708	(c) EUR [10 000] per illegally staying third-country national relocated in accordance with Article 53, when the period referred to in Article 55(2) has expired, and Article 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation].	(c) EUR [10 000] per illegally staying third-country national relocated in accordance with Article 53, when the period referred to in Article 55(2) has expired, and Article 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation].	(c) EUR [10 000] per illegally staying third-country national relocated in accordance with Article 53, when the period referred to in Article 55(2) has expired, and Article 56 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation ~~Asylum and Migration Management Regulation~~].	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (1), point (d)				
709	(d) The contribution in points (a), (b) and (c) is increased to EUR [12 000] for each unaccompanied minor relocated in accordance with Article 48, Article 53 and Article 56 of Regulation (EU) XXX/XXX	(d) The contribution in points (a), (b) and (c) is increased to EUR [12 000] for each unaccompanied minor relocated in accordance with Article 48, Article 53 and Article 56 of Regulation (EU) XXX/XXX	(d) The contribution in points (a), (b) and (c) is increased to EUR [12 000] for each unaccompanied minor relocated in accordance with Article 48, Article 53 and Article 56 of Regulation (EU) XXX/XXX	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	[Asylum and Migration Management Regulation].	[Asylum and Migration Management Regulation].	~~[Asylum and Migration Management Regulation]~~ <i>Asylum and Migration Management Regulation</i>	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (2)				
710	2. A Member State carrying out the transfer shall receive a contribution of EUR 500 to cover the transfer of persons pursuant to paragraph 1 for each person, applicant or beneficiary subject to relocation.	2. A Member State carrying out the transfer shall receive a contribution of EUR 500 to cover the transfer of persons pursuant to paragraph 1 for each person, applicant or beneficiary subject to relocation.	2. A Member State carrying out the transfer shall receive a contribution of EUR 500 to cover the transfer of persons pursuant to paragraph 1 for each person, applicant or beneficiary subject to relocation.	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (3)				
711	3. A Member State shall receive a contribution of EUR 500 to cover the transfer of a person referred to in Article 26(1)(a), (b), (c) or (d) pursuant to Article 35 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation].	3. A Member State shall receive a contribution of EUR 500 to cover the transfer of a person referred to in Article 26(1)(a), (b), (c) or (d) pursuant to Article 35 of Regulation (EU) XXX/XXX [Asylum and Migration Management Regulation].	3. A Member State shall receive a contribution of EUR 500 to cover the transfer of a person referred to in Article 26(1)(a), (b), ~~(c)~~ [...] or (d) pursuant to Article 35 of Regulation (EU) XXX/XXX [<i>Asylum and Migration Management Regulation</i>].	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (4)				
712	4. A Member State will receive amounts referred to in paragraphs 1 to 3 for each person provided that the person in respect of whom the contribution is allocated was relocated.	4. A Member State will receive amounts referred to in paragraphs 1 to 3 for each person provided that the person in respect of whom the contribution is allocated was relocated.	4. A Member State will receive amounts referred to in paragraphs 1 to 3 for each person provided that the person in respect of whom the contribution is allocated was relocated.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 72, first paragraph, point (2), amending provision, numbered paragraph (5)				
713	5. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	5. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	5. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (6)				
714	6. Member States shall keep the information necessary to allow the proper identification of the persons transferred and of the date of their transfer, while applicable provisions concerning data retention periods shall prevail.	6. Member States shall keep the information necessary to allow the proper identification of the persons transferred and of the date of their transfer, while applicable provisions concerning data retention periods shall prevail.	6. Member States shall keep the information necessary to allow the proper identification of the persons transferred and of the date of their transfer, while applicable provisions concerning data retention periods shall prevail.	
Article 72, first paragraph, point (2), amending provision, numbered paragraph (7)				
715	7. Within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the amounts referred to in paragraphs 1, 2 and 3 of this Article to take into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and of beneficiaries of international protection from one Member State to	7. Within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the amounts referred to in paragraphs 1, 2 and 3 of this Article to take into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and of beneficiaries of international protection from one Member State to	7. Within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the amounts referred to in paragraphs 1, 2 and 3 of this Article to take into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and of beneficiaries of international protection from one Member State to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	another, as well as factors which can optimise the use of the financial incentive brought by those amounts. ”	another, as well as factors which can optimise the use of the financial incentive brought by those amounts. ”	another, as well as factors which can optimise the use of the financial incentive brought by those amounts.] ”	
VII				
716	VII PART VII	VII PART VII	~~PART VII PART~~ ~~VII~~ TRANSITIONAL PROVISIONS AND FINAL PROVISIONS	
Article 73				
717	Article 73 Repeal	Article 73 Repeal	Article 73 Repeal	
Article 73, first paragraph				
718	Regulation (EU) No 604/2013 is repealed.	Regulation (EU) No 604/2013 is repealed.	Regulation (EU) No 604/2013 is repealed with effect from [the date referred to in the second paragraph of Article 75].	
Article 73, second paragraph				
719	References to the repealed Regulation shall be construed as references to this Regulation.	References to the repealed Regulation shall be construed as references to this Regulation.	References to the repealed Regulation shall be construed as references to this Regulation.	
Article 73, third paragraph				
719a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation 1560/2003 shall remain in force unless and until amended by implementing acts adopted pursuant to this Regulation.	
Article 74				
720	Article 74 Transitional measures	Article 74 Transitional measures	Article 74 Transitional measures	
Article 74, first paragraph				
721	Where an application has been registered after [the first day following the entry into force of this Regulation], the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date.	Where an application has been registered after [the first day following the entry into force of this Regulation], the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date.	1. Where an application has been registered after [the first day following the entry into force of this Regulation] date referred to in the second paragraph of Article 75] [...], the events that are likely to entail the responsibility of a Member State under this Regulation shall be taken into consideration, even if they precede that date.	
Article 74, second paragraph				
721a			2. The Member State responsible for the examination of an application for international protection registered before the date specified in paragraph 1 shall be determined in accordance with the criteria set out in Regulation 604/2013.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 74(3), first subparagraph				
721b			Based on this common implementation plan, each Member State shall, with the support of the Commission and relevant Union agencies, establish a national implementation plan setting the actions and the timeline for their implementation, six months after the entry into force of this Regulation. Each Member State shall complete the implementation of its plan by the date of application of this Regulation.	
Article 74(3), second subparagraph				
721c			For the purpose of implementing this Article, Member States may use the support of the relevant Union agencies and Union Funds may provide financial support to the Member States, in accordance with the legislation governing those agencies and funds.	
Article 74(3), third subparagraph				
721d			The Commission shall closely monitor the implementation of the national plans.	
Article 74(3), fourth subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
721e			3. Three months after the entry into force of this Regulation, the Commission, in close cooperation with the relevant Union agencies and Member States, shall present a common implementation plan to ensure that Member States are adequately prepared to implement this Regulation by the date of its application, assessing gaps and operational steps required.	
Article 75				
722	Article 75 Entry into force and applicability	Article 75 Entry into force and applicability	Article 75 Entry into force and applicability	
Article 75, first paragraph				
723	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> Official Journal of the European Union.	
Article 75, second paragraph				
724	It shall apply to applications for international protection registered as from [the first day of the thirteenth month following its entry into force]. The Member State responsible for	It shall apply to applications for international protection registered as from [the first day of the thirteenth month following its entry into force]. The Member State responsible for	It shall apply to applications for international protection registered as [...] from [the first day of the ~~thirteenth~~ twentyfifth [...] month following its entry into force]. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the examination of an application for international protection submitted before that date shall be determined in accordance with the criteria set out in Regulation 604/2013.	the examination of an application for international protection submitted before that date shall be determined in accordance with the criteria set out in Regulation 604/2013.	Member State responsible for the examination of an application for international protection submitted before that date shall be determined in accordance with the criteria set out in Regulation 604/2013.[...] It is to be considered how to synchronise with the annual cycle. Solidarity and responsibility aspects of the Regulation should be applied from the same date.	
Article 75, third paragraph				
725	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
Formula				
726	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
727	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
728	The President	The President	The President	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
729	For the Council	For the Council	For the Council	
Formula				
730	The President	The President	The President	
Annex I				
731	Annex I	Annex I		
Annex I, first paragraph				
732	Standard form for establishing a Search and Rescue Solidarity Response Plan in accordance with Article 47	Standard form for establishing a Search and Rescue Solidarity Response Plan in accordance with Article 47		
Annex I, second paragraph				
733	- Contributing Member State:	- Contributing Member State:		
Annex I, third paragraph				
734	- Reference No..... (Rev) ¹ 1. Reference to revision to be used in case of revised contributions in the course of the Solidarity Forum.	- Reference No..... (Rev) ¹ 1. Reference to revision to be used in case of revised contributions in the course of the Solidarity Forum.		
Annex I, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
735	- Date of submission:.....	- Date of submission:.....		
Annex I, Table 1, Column 1, Row 1				
736	Measures set out in Article 45 (a) and (e)	Measures set out in Article 45 (a) and (e)		
Annex I, Table 1, Column 1, Row 2				
737	Relocation of applicants for international protection	Relocation of applicants for international protection		
Annex I, Table 1, Column 2, Row 1				
738	Number of relocations	Number of relocations		
Annex I, Table 1, Column 2, Row 2				
739				
Annex I, Table 2, Column 1, Row 1				
740	Measures set out in Article 45(d)	Measures set out in Article 45(d)		
Annex I, Table 2, Column 1, Row 2				
741	Capacity-building measures in the field of asylum, reception and return	Capacity-building measures in the field of asylum, reception and return		
Annex I, Table 2, Column 1, Row 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
742	Operational support	Operational support		
Annex I, Table 2, Column 1, Row 4				
743	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries		
Annex I, Table 2, Column 2, Row 1				
744	Quantity/Description/timeframe for implementation	Quantity/Description/timeframe for implementation		
Annex I, Table 2, Column 2, Row 2				
745				
Annex I, Table 2, Column 2, Row 3				
746				
Annex I, Table 2, Column 2, Row 4				
747				
Annex II				
748	Annex II	Annex II		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, first paragraph				
749	Standard form for establishing a Solidarity Response Plan in accordance with Article 50	Standard form for establishing a Solidarity Response Plan in accordance with Article 50		
Annex II, second paragraph				
750	- Benefitting Member State:	- Benefitting Member State:		
Annex II, third paragraph				
751	- Contributing Member State:	- Contributing Member State:		
Annex II, fourth paragraph				
752	- Reference No: (Rev) ¹ 1. Reference to revision to be used in case of revised contributions in the course of the Solidarity Forum.	- Reference No: (Rev) ¹ 1. Reference to revision to be used in case of revised contributions in the course of the Solidarity Forum.		
Annex II, fifth paragraph				
753	- Date of submission:.....	- Date of submission:.....		
Annex II, Table 3, Column 1, Row 1				
754	Measures set out in Article 45 (a), (b), (c)	Measures set out in Article 45 (a), (b), (c)		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Annex II, Table 3, Column 1, Row 2					
755	Relocation of applicants who are not subject to the border procedure for the examination of an application for international protection established by Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation), including share of unaccompanied minors	Relocation of applicants who are not subject to the border procedure for the examination of an application for international protection established by Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation), including share of unaccompanied minors	PUBLIC		
Annex II, Table 3, Column 1, Row 3					
756	Return sponsorship in relation to illegally staying third-country nationals	Return sponsorship in relation to illegally staying third-country nationals			
Annex II, Table 3, Column 2, Row 1					
757	Share for each measure	Share for each measure			
Annex II, Table 3, Column 2, Row 2					
758	Share: Of which, UAMs:	Share: Of which, UAMs:			
Annex II, Table 3, Column 2, Row 3					
759	Share: Nationalities of illegally staying third-country nationals to sponsor	Share: Nationalities of illegally staying third-country nationals to sponsor			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, sixth paragraph				
760	To be filled in only if the Report on Migratory Pressure identifies the need for such measures in accordance with Article 49(3)(b)(iii):	To be filled in only if the Report on Migratory Pressure identifies the need for such measures in accordance with Article 49(3)(b)(iii):		
Annex II, sixth paragraph, Table 4, Column 1, Row 1				
761	Measures set out in Article 45(d)	Measures set out in Article 45(d)		
Annex II, sixth paragraph, Table 4, Column 1, Row 2				
762	Capacity-building measures in the field of asylum, reception and return	Capacity-building measures in the field of asylum, reception and return		
Annex II, sixth paragraph, Table 4, Column 1, Row 3				
763	Operational support	Operational support		
Annex II, sixth paragraph, Table 4, Column 1, Row 4				
764	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries		
Annex II, sixth paragraph, Table 4, Column 2, Row 1				
765				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Quantity/Description/timeframe for implementation	Quantity/Description/timeframe for implementation		
Annex II, sixth paragraph, Table 4, Column 2, Row 2				
766				
Annex II, sixth paragraph, Table 4, Column 2, Row 3				
767				
Annex II, sixth paragraph, Table 4, Column 2, Row 4				
768				
Annex II, sixth paragraph, Table 5, Column 1, Row 1				
769	Application for reduction in contributions in line with Article 50(4)	Application for reduction in contributions in line with Article 50(4)		
Annex II, sixth paragraph, Table 5, Column 2, Row 1				
770	Average per capita applications for international protection over 5 years (based on the latest full year EUROSTAT statistics)	Average per capita applications for international protection over 5 years (based on the latest full year EUROSTAT statistics)		
Annex III				
771	Annex III	Annex III	Annex III	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex III, first paragraph				
772	Formula for the distribution key pursuant to Article 52 of the Regulation:	Formula for the distribution key pursuant to Article 52 of the Regulation:	Formula for the distribution key pursuant to Article 52 of the Regulation:	
Annex III, second paragraph				
773	Population effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	Population effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	Population effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	
Annex III, third paragraph				
774	GDP effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	GDP effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	GDP effect _{MS} ¹ <u>1. For two Member States, participation depends on the exercise of rights as set out in the relevant Protocols and other instruments.</u>	
Annex III, fourth paragraph				
775	Share _{MS} = 50% Population effect _{MS} + 50% GDP effect _{MS}	Share _{MS} = 50% Population effect _{MS} + 50% GDP effect _{MS}	Share _{MS} = 50% Population effect _{MS} + 50% GDP effect _{MS}	
Annex IV				
776	Annex IV	Annex IV		
Annex IV, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
777	Standard form for contributing to a Solidarity Support Plan in accordance with Article 54	Standard form for contributing to a Solidarity Support Plan in accordance with Article 54		
Annex IV, second paragraph				
778	- Benefitting Member State:	- Benefitting Member State:		
Annex IV, third paragraph				
779	- Contributing Member State:	- Contributing Member State:		
Annex IV, fourth paragraph				
780	- Reference No:	- Reference No:		
Annex IV, fifth paragraph				
781	- Date of submission:.....	- Date of submission:.....		
Annex IV, Table 6, Column 1, Row 1				
782	Other forms of solidarity in line with Article 54	Other forms of solidarity in line with Article 54		
Annex IV, Table 6, Column 1, Row 2				
783	Capacity-building measures in the field of asylum, reception and return	Capacity-building measures in the field of asylum, reception and return		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Table 6, Column 1, Row 3				
784	Operational support	Operational support		
Annex IV, Table 6, Column 1, Row 4				
785	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries	Measures aimed at responding to migratory trends affecting the benefitting Member State though cooperation with third countries		
Annex IV, Table 6, Column 1, Row 5				
786				
Annex IV, Table 6, Column 1, Row 6				
787	Relocation of applicants for international protection who are not subject to the border procedure for the examination of an application for international protection established by Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation) [including number of UAM]	Relocation of applicants for international protection who are not subject to the border procedure for the examination of an application for international protection established by Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation) [including number of UAM]		
Annex IV, Table 6, Column 1, Row 7				
788	Relocation of beneficiaries of international protection including	Relocation of beneficiaries of international protection including		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	[including number of UAM]	[including number of UAM]		
Annex IV, Table 6, Column 1, Row 8				
789	Relocation of applicants for international protection subject to the border procedure in line with Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation)	Relocation of applicants for international protection subject to the border procedure in line with Article 41 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation)		
Annex IV, Table 6, Column 1, Row 9				
790	Relocation of illegally staying third-country nationals [including number of UAM], including nationalities of the third-country nationals	Relocation of illegally staying third-country nationals [including number of UAM], including nationalities of the third-country nationals		
Annex IV, Table 6, Column 1, Row 10				
791	Return sponsorship in relation to illegally staying third-country nationals [including number of UAM], including nationalities of third-country nationals	Return sponsorship in relation to illegally staying third-country nationals [including number of UAM], including nationalities of third-country nationals		
Annex IV, Table 6, Column 2, Row 1				
792	Information on Quantity/Description of scope and nature /timeframe for implementation	Information on Quantity/Description of scope and nature /timeframe for implementation		
Annex IV, Table 6, Column 2, Row 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
793				
Annex IV, Table 6, Column 2, Row 3				
794				
Annex IV, Table 6, Column 2, Row 4				
795				
Annex IV, Table 6, Column 2, Row 5				
796	Number of persons to be covered and timeframe for implementation	Number of persons to be covered and timeframe for implementation		
Annex IV, Table 6, Column 2, Row 6				
797				
Annex IV, Table 6, Column 2, Row 7				
798				
Annex IV, Table 6, Column 2, Row 8				
799				
Annex IV, Table 6, Column 2, Row 9				
800				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, Table 6, Column 2, Row 10				
801				