



Brussels, 16 November 2016
(OR. en)

14337/16

Interinstitutional Files:

2016/0131 (COD)
2016/0132 (COD)
2016/0133 (COD)
2016/0222 (COD)
2016/0223 (COD)
2016/0224 (COD)
2016/0225 (COD)

ASILE 75
EURODAC 18
CSC 328
CODEC 1638

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Common European Asylum System Reform Package
– Cross-references between proposals

In order to facilitate the examination of the legislative proposals of the package on the CEAS reform, delegations will find, in the Annexes to this note, a table prepared by the Council Secretariat in consultation with the Commission Services, on the **cross-references between each proposal and the other proposals of the same package as well as with the proposal on the EU common list of safe countries of origin¹**, structured as follows:

- Annex 1: the "Dublin Regulation" (Dublin R.) proposal (pages 3-7);
- Annex 2: the Eurodac Regulation" (Eurodac R.) proposal (pages 8-9);
- Annex 3: the "EU Agency for Asylum Regulation" (EUAAR) proposal (pages 10-11);
- Annex 4: the "Qualification Regulation" (QR) proposal (pages 12-14);

¹ Doc. 11845/15.

- Annex 5: the "Asylum procedure Regulation" (APR) proposal (pages 15-23);
 - Annex 6: the "Reception Conditions Directive" (RCD) proposal (pages 24-28);
 - Annex 7: the "Resettlement Regulation" (RR) proposal (pages 29-30).
-

DUBLIN REGULATION (Dublin R.)

DUBLIN PROPOSAL	OTHER PROPOSALS
Chapter I - Subject matter and definitions	
Art. 2 (Definitions) (b) 'application for international protection'	<u>QR:</u> – Art. 2(7) (Definitions) <u>APR:</u> – Art. 4(2)(a) (Definitions)
Art. 2 (Definitions) (d) 'examination of an application for international protection'	<u>QR</u> <u>APR:</u> – Chapter III (Administrative Procedure) Section II (Examination procedure)
Art. 2 (Definitions) (e) 'withdrawal of an application for international protection'	<u>APR:</u> – Art. 51 (Withdrawal of international protection) – Art. 52 (Procedural rules)
Art. 2 (Definitions) (f) 'beneficiary of international protection'	<u>QR:</u> – Art. 2 (Definitions) (2)
Art. 2 (Definitions) (q)(i) 'refugee status'	<u>QR:</u> – Art. 2 (Definitions) (4)
Art. 2 (Definitions) (q)(ii) 'subsidiary protection status'	<u>QR:</u> – Art. 2 (Definitions) (6)
Art. 2 (Definitions) (r) 'EU Agency for Asylum'	<u>EUAAR</u>
Chapter II - General principles and safeguards	
Art. 3 (Access to the procedure for examining an application for international protection) (3)(a): Checking of admissibility of applications - first country of asylum and safe third country.	<u>APR:</u> – Art. 36 (Decision on the admissibility of the application) (1)(a) and (b)

DUBLIN PROPOSAL	OTHER PROPOSALS
<p>Art. 3 (<i>Access to the procedure for examining an application for international protection</i>) (3)(b): Accelerated procedure.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 40 (<i>Accelerated examination procedure</i>)
<p>Art. 3 (<i>Access to the procedure for examining an application for international protection</i>) (3)(b)(i): SCO check.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 40 (<i>Accelerated examination procedure</i>) (1)(e) <p><u>SCO R.</u></p>
<p>Art. 3 (<i>Access to the procedure for examining an application for international protection</i>) (5): MS remains responsible in case of subsequent applications.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 42 (<i>Subsequent applications</i>) – Art. 43 (<i>Exception from the right to remain in subsequent applications</i>)
<p>Art. 5 (<i>Consequences of non-compliance</i>) (1): Accelerated procedure if application not made in MS of first entry/legal presence.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 40 (<i>Accelerated examination procedure</i>) (1)(g)
<p>Art. 5 (<i>Consequences of non-compliance</i>) (3): Applicants not entitled to any reception conditions except emergency health care in any MS other MS than the one where he is required to be present.</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 14 (<i>Schooling and education of minors</i>) – Art. 15 (<i>Employment</i>) – Art. 16 (<i>General rules on material reception conditions</i>) – Art. 17 (<i>Modalities for material reception conditions</i>) – Art. 17a (<i>Reception conditions in a MS other than the one in which the applicant is required to be present</i>) – Art. 18 (<i>Health care</i>)
<p>Art. 6 (<i>Right to information</i>) (1)(b): Informing applicant that he is not entitled to any <u>reception conditions</u> except emergency health care in any MS other MS than the one where he is required to be present.</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 14 (<i>Schooling and education of minors</i>) – Art. 15 (<i>Employment</i>) – Art. 16 (<i>General rules on material reception conditions</i>)

DUBLIN PROPOSAL	OTHER PROPOSALS
	<ul style="list-style-type: none"> – Art. 17 (<i>Modalities for material reception conditions</i>) – Art. 17a (<i>Reception conditions in a MS other than the one in which the applicant is required to be present</i>) – Art. 18 (<i>Health care</i>)
<p>Art. 6 (<i>Right to information</i>) (3): Common leaflet to be drawn up by COM shall also include information regarding the application of <u>Eurodac R.</u>, in particular the purpose for which the data of an applicant may be processed.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 1 (<i>Purpose of "Eurodac"</i>)
<p>Art. 8 (<i>Guarantees for minors</i>) (2): Ensuring representative for unaccompanied minors is without prejudice to the special guarantees for unaccompanied minors set out in <u>APR</u>.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 22 (<i>Special guarantees for unaccompanied minors</i>)
<p>Art. 8 (<i>Guarantees for minors</i>) (4): In case of a transfer of an unaccompanied minor, the transferring MS has to make sure that the MS responsible or the MS of allocation provides certain guarantees to the unaccompanied minor.</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 14 (<i>Schooling and education of minors</i>) – Art. 22 (<i>minors</i>) – Art. 23 (<i>Unaccompanied minors</i>) <p><u>APR</u>:</p> <p>Art. 22 (<i>Special guarantees for unaccompanied minors</i>)</p>
<p>Chapter III - Criteria for determining the MS responsible</p>	
<p>Art. 15 (<i>Entry</i>): Irregular entry criterion applies when it is established, including on the basis of <u>Eurodac</u> data that an applicant has irregularly crossed the border into a MS.</p>	<p><u>Eurodac R.</u></p>
<p>Chapter IV - Dependent persons and discretionary clauses</p>	
<p>Art. 19 (<i>Discretionary clauses</i>) (1): MS which decided to be responsible for an application has to indicate this in <u>Eurodac</u>.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 11 (<i>Information on the status of the data subject</i>) (e)
<p>Chapter V - Obligations of the Member State responsible</p>	
<p>Art. 20 (<i>Obligations of the MS responsible</i>) (3): MS responsible has to take back an applicant whose application is under examination and who made a new application in another MS or is irregularly in another MS - accelerated procedure has to be used by the MS responsible.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 40 (<i>Accelerated examination procedure</i>)

DUBLIN PROPOSAL	OTHER PROPOSALS
<p>Art. 20 (<i>Obligations of the MS responsible</i>) (4): MS responsible has to take back a person who has withdrawn the application under examination and made an application in another MS or is irregularly in another MS – a new application is to be treated as subsequent application.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 42 (<i>Subsequent applications</i>) – Art. 43 (<i>Exception from the right to remain in subsequent applications</i>)
<p>Chapter VI - Procedures</p>	
<p>Art. 22 (<i>Registration</i>) (1): Applications to be entered into the automated system within 72 hours.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 10 (<i>Collection and transmission of fingerprints and facial image data</i>) (1)
<p>Art. 22 (<i>Registration</i>) (1)(c) and 23 (<i>Information in the automated system</i>) (2)(c): <u>Eurodac</u> reference number to be entered into the automated system.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 12 (<i>Recording of data</i>) (i)
<p>Art. 23 (<i>Information in the automated system</i>) (4): Erasure of electronic files after 10 years.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 17 (<i>Data storage</i>) (1)
<p>Art. 24 (<i>Submitting a take charge request</i>) (1): Take charge request to be sent within two weeks, in case there is a <u>Eurodac</u> hit.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 13 (<i>Collection and transmission of fingerprint data and facial image data</i>)
<p>Art. 25 (<i>Replying to a take charge request</i>) (2): MS to reply within two weeks on the take charge request in case there is a <u>Eurodac</u> hit.</p>	<p><u>Eurodac R.</u>:</p> <ul style="list-style-type: none"> – Art. 13 (<i>Collection and transmission of fingerprint data and facial image data</i>)
<p>Chapter VII - Corrective allocation mechanism</p>	
<p>Art. 40 (<i>Exchange of relevant information for security verification</i>) (1): MS carrying out allocation (benefitting MS) shall transmit fingerprints of the applicant to the MS of allocation.</p>	<p><u>Eurodac R.</u></p>
<p>Art. 40 (<i>Exchange of relevant information for security verification</i>) (3): Application of accelerated procedure in case applicant is considered danger to national security/public order of the MS of allocation.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 40 (<i>Accelerated examination procedure</i>) (1)(f)

DUBLIN PROPOSAL	OTHER PROPOSALS
Chapter VIII - Administrative cooperation	
Art. 45 (<i>Access to the automated system</i>) (3): Access to certain information in the automated system (Art. 23(2), 36(4) and 39(h)) only possible for the purposes of Dublin and <u>Eurodac R.</u>	<u>Eurodac R.</u>
Art. 46 (<i>Information sharing</i>) (2)(c): Information sharing - MS shall communicate to any MS that so requests personal data concerning the applicant (certain restrictions apply), including other information necessary for establishing the identity of the applicant, including fingerprints taken of the applicant by the MS, in particular for the purposes of Art. 40 in accordance with <u>Eurodac R.</u>	<u>Eurodac R.</u>
Art. 47 (<i>Competent authorities and resources</i>) (4): The Commission shall, by means of implementing acts, establish secure electronic transmission channels between the competent authorities and the EUAA for transmitting fingerprints in accordance with <u>Eurodac R.</u>	<u>Eurodac R.</u>
Chapter IX - Transitional provisions and final provisions	
Art. 50 (<i>Data security and data protection</i>) (3): The processing of personal data by the EUAA shall be subject to the monitoring of the European Data Protection Supervisor in accordance with Regulation (EC) No 45/2001 and the provisions on data protection laid down in <u>EUAA R.</u>	<u>EUAA R.</u> – Art. 30 (<i>Data protection</i>) – Art. 31 (<i>Purposes of processing personal data</i>) – Art. 32 (<i>Processing of personal data collected when providing operational and technical assistance</i>)
Art. 58 (<i>Review, monitoring and evaluation</i>): Simultaneous submission of the report by COM on Dublin and <u>Eurodac.</u>	<u>Eurodac R.:</u> – Art. 42 (<i>Annual report: monitoring and evaluation</i>)

EURODAC REGULATION (Eurodac R.)

EURODAC PROPOSAL	OTHER PROPOSALS
Chapter I - General provisions	
Art. 1 (<i>Purpose of "Eurodac"</i>) (1)(a) : to assist in determining the MS responsible and otherwise facilitate application of the <u>Dublin R.</u>	<u>Dublin R.</u>
Art. 1 (<i>Purpose of "Eurodac"</i>) (2) : possibility to process data only for the purposes of <u>Dublin R.</u>	<u>Dublin R.</u> : – Art. 32 (<i>Exchange of relevant information before a transfer is carried out</i>) (1)
Art. 3 (<i>Definitions</i>) (b) : 'applicant for international protection'	<u>QR</u> : – Art. 2 (<i>Definitions</i>) (7) and (8) <u>Dublin R.</u> : Art. 2 (<i>Definitions</i>) (b) and (c)
Art. 3 (<i>Definitions</i>) (e) : 'beneficiary of international protection'	<u>QR</u> : – Art. 2 (<i>Definitions</i>) (2) <u>Dublin R.</u> : – Art. 2 (<i>Definitions</i>) (f)
Art. 5 (<i>Operational management</i>) (5) : 'DubliNet' to be operated and managed by eu-LISA	<u>Dublin R.</u> : – Art. 32 (<i>Exchange of relevant information before a transfer is carried out</i>) – Art. 33 (<i>Exchange of health data before a transfer is carried out</i>) – Art. 46 (<i>Information sharing</i>).
Chapter II - Applicants for international protection	
Art. 10 (<i>Collection and transmission of fingerprints and facial image data</i>) (1) : MS to take fingerprints within 72 hours after lodging of application, as defined in <u>Dublin R.</u>	<u>Dublin R.</u> : – Art. 21 (<i>Start of the procedure</i>) (2)
Art. 11 (<i>Information on the status of the data subject</i>) (b) : Information to be stored in the central system - arrival of the applicant pursuant to a take charge request.	<u>Dublin R.</u> : – Art. 24 (<i>Submitting a take charge request</i>)

EURODAC PROPOSAL	OTHER PROPOSALS
<p>Art. 11 (<i>Information on the status of the data subject</i>) (c): Information to be stored in the central system - arrival of the applicant to the MS of allocation.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 36 (<i>Application of the reference key</i>)
<p>Art. 11 (<i>Information on the status of the data subject</i>) (e): Information to be stored in the central system - arrival of the applicant pursuant to the application of the discretionary clause.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 19 (<i>Discretionary clauses</i>) (1)
<p>Art. 12 (<i>Recording of data</i>) (j): Data recorded in the central system - unique application number pursuant to <u>Dublin R</u>.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 22 (<i>Registration</i>) (2)
<p>Chapter VI - Storage, advanced data erasure and making of data</p>	
<p>Art. 19 (<i>Marking of data</i>) (3): MS shall unmark or unblock data concerning a third-country national if his or her status is revoked or ended or the renewal of his or her status is refused under <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 14 (<i>Revocation of, ending of or refusal to renew refugee status</i>) – Art. 20 (<i>Revocation of, ending of or refusal to renew subsidiary protection status</i>)
<p>Chapter VIII - Data processing, data protection and liability</p>	
<p>Art. 28 (<i>Access to, and correction or erasure of, data recorded in Eurodac</i>) (5): No transmission of data to third countries, except countries which apply <u>Dublin R</u>.</p>	<p><u>Dublin R</u></p>
<p>Art. 30 (<i>Rights of information of the data subject</i>) (1)(b): data subject to be informed of the purpose of fingerprinting, including the aims of the <u>Dublin R</u>.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 6 (<i>Right to information</i>)
<p>Art. 30 (<i>Rights of information of the data subject</i>) (3): information contained in the common leaflet should include those referred to in Art. 6(2) of the <u>Dublin R</u>.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 6 (<i>Right to information</i>) (2)
<p>Art. 37 (<i>Prohibition of transfers of data to third countries, international organisations or private entities</i>) (4): prohibition of transfers of data to third parties does not apply to countries which apply <u>Dublin R</u>.</p>	<p><u>Dublin R</u>.</p>

EU ASYLUM AGENCY REGULATION (EUAA R.)

EUAA PROPOSAL	OTHER PROPOSALS
Chapter 2 - Practical cooperation and information on asylum	
Art. 6 (<i>Support to the Dublin system</i>): The Agency shall perform its tasks and obligations as set out in the <u>Dublin R.</u>	<u>Dublin R.</u>
Art. 7 (<i>Training</i>) (4): a European asylum curriculum to be developed by the Agency should be integrated in MS' training of staff of asylum authorities pursuant to their obligation under Art. 4(3) of the <u>current Procedures Directive</u> (2013/32/EU).	<u>APR:</u> – Art. 5 (<i>Responsible authorities</i>) (5)
Chapter 3 - Country of origin information	
Art. 10 (<i>Common analysis on country of origin information</i>) (1): the Agency shall contribute to the development of common analysis of the situation in specific countries of origin in order to foster convergence in applying the assessment criteria established in the <u>current Qualification Directive</u> .	<u>QR:</u> – Art. 7 (<i>Actors of protection</i>) (3). – Art. 8 (<i>Internal protection</i>) (3) – Art. 11 (<i>Cessation</i>) (2)(b) – Art. 15 (<i>Review of refugee status</i>) <u>APR:</u> – Art. 33 (<i>Examination of applications</i>) (2)(c) – Art. 47 (<i>The concept of safe country of origin</i>) (2).
Art. 11 (<i>Designation of safe countries of origin and safe third countries</i>) (1): the Agency shall assist the Commission in regularly reviewing the situation in third countries which are included in the EU list of safe countries of origin established by <u>Regulation on an EU common list of safe countries of origin</u> .	<u>APR</u> – Art.48 (<i>Designation of safe countries of origin at Union level</i>) (2)
Art. 11 (<i>Designation of safe countries of origin and safe third countries</i>) (2): the Agency shall, at the request of the Commission, provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin in accordance with <u>Regulation on an EU common list of safe countries of origin</u> .	<u>APR:</u> – Art.48 (<i>Designation of safe countries of origin at Union level</i>) (3)

EUAA PROPOSAL	OTHER PROPOSALS
<p>Art. 11 (<i>Designation of safe countries of origin and safe third countries</i>) (3): When notifying the Commission in accordance with Art. 37(4), 38(5) and 39(7) of the current <u>Procedures Directive</u> (2013/32/EU), Member States shall also inform the Agency of the third countries which are designated as safe countries of origin or safe third countries or to which the concepts of first country of asylum, safe third country, or European safe third country is applied pursuant to <u>Art. 35, 38 and 39 of Directive 2013/32/EU</u>, respectively.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 44 (<i>The concept of first country of asylum</i>) (7) – Art. 45 (<i>The concept of safe third country</i>) (1), 2nd subpar. – Art. 46 (<i>Designation of safe third countries at Union level</i>)(2) – Art. 47 (<i>The concept of safe country of origin</i>) (2) – Art. 48 (<i>Designation of safe countries of origin at Union level</i>) (2) and (3).

QUALIFICATION REGULATION (QR)

QR PROPOSAL	OTHER PROPOSALS
Chapter II - Assessment of applications for international protection	
Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>) (1): Obligation of the applicant for international protection to remain present on the territory of the MS throughout the procedure.	<u>Dublin R</u> : – Art. 4 (<i>Obligations of the applicant</i>) (3)(b) <u>APR</u> : – Article 7 (<i>Obligations of applicants</i>) (5)
Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>) (2): the elements available to substantiate the application shall consist of the applicant's statements and all the documentation at the applicant's disposal regarding ..., results of any expedited resettlement procedure as defined by <u>RR</u> , ...	<u>RR</u> : – Art. 11 (<i>Expedited procedure</i>).
Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>) (3): The determining authority shall assess the relevant elements of the application in accordance with <u>Art. 33 APR</u> .	<u>APR</u> : – Art. 33 (<i>Examination of applications</i>)
Art. 5 (<i>International protection needs arising sur place</i>) (3): An applicant who files a subsequent application in accordance with <u>Art. 42 APR</u> shall not normally be granted refugee status or subsidiary protection status if the risk of persecution or the serious harm is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.	<u>APR</u> : – Art. 42 (<i>Subsequent applications</i>)
Art. 7 (<i>Actors of protection</i>) (3): when assessing whether an international organisation controls a State or a substantial part of its territory and provides protection, determining authorities shall base themselves on any guidance provided in relevant Union law, in particular available Union level country of origin information and the common analysis of country of origin information referred to in <u>Art. 8 and 10 EUAAR</u> .	<u>EUAAR</u> : – Art. 8 (<i>Information on countries of origin at Union level</i>) – Art. 10 (<i>Common analysis on country of origin information</i>)

QR PROPOSAL	OTHER PROPOSALS
<p>Art. 8 (<i>International protection</i>) (3): when examining the application, determining authorities shall ensure that precise and up-to-date information is obtained from all relevant sources, including available Union level country of origin information and the common analysis of origin information referred to in <u>Art. 8 and 10 EUAAR</u>.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 8 (<i>Information on countries of origin at Union level</i>) – Art.10 (<i>Common analysis on country of origin information</i>)
<p>Chapter III - Qualification for being a refugee</p>	
<p>Art. 11 (<i>Cessation of refugee status</i>) (2)(b): when assessing whether a third-country national or a stateless person shall cease to be a refugee, the determining authority shall base itself on precise and up-to-date information obtained from all relevant sources, including available Union level country of origin information and the common analysis of origin information referred to in <u>Art. 8 and 10 EUAAR</u>, or information and guidance issued by the UNHCR.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 8 (<i>Information on countries of origin at Union level</i>) – Art.10 (<i>Common analysis on country of origin information</i>)
<p>Chapter IV - Refugee status</p>	
<p>Art. 15 (<i>Review of refugee status</i>): when revoking, ending or refusing to renew the refugee status of a third-country national or stateless person, the determining authority shall review the status where Union level country of origin information and the common analysis of origin information as referred to in <u>Art. 8 and 10 EUAAR</u> indicate a significant change in the country of origin which is relevant for the protection needs of the applicant.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 8 (<i>Information on countries of origin at Union level</i>) – Art.10 (<i>Common analysis on country of origin information</i>)
<p>Chapter V - Qualification for subsidiary protection</p>	
<p>Art. 17 (<i>Cessation of subsidiary protection</i>) (2)(b): when assessing whether a third-country national or a stateless person shall cease to be eligible for subsidiary protection, the determining authority shall base itself on precise and up-to-date information obtained from all relevant sources, including available Union level COI and the common analysis of origin information as referred to in <u>Art. 8 and 10 EUAAR</u>, or information and guidance issued by the UNHCR.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 8 (<i>Information on countries of origin at Union level</i>) – Art.10 (<i>Common analysis on country of origin information</i>)

QR PROPOSAL	OTHER PROPOSALS
Chapter VII - Content of international protection rights and obligations of beneficiaries of international protection	
<p>Art. 24 (<i>Information</i>): the form and content of the information on the rights and obligations relating to refugee status or subsidiary protection status to be provided to beneficiaries of international protection shall be determined by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in <u>Art. 58(1) APR</u>.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 58 (<i>Committee Procedure</i>)
<p>Art. 29 (<i>Movement within the Union</i>) (2): when a beneficiary is found in a MS other the one that him or her granted protection without a right stay or the right to reside there in accordance with relevant Union or national law, he will be subject to a take back procedure as defined under <u>Art. 20(1)(e) Dublin R</u>.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 20 (<i>Obligations of the Member State responsible</i>) (1)(e)
<p>Art. 36 (<i>Unaccompanied minors</i>) (6): the persons and organisations working with unaccompanied minors shall receive continuous appropriate training concerning the rights and needs of minors and child safeguarding standards will be respected as referred to in <u>Art. 22 APR</u>.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 22 (<i>Special guarantees for unaccompanied minors</i>)
Chapter IX - Final Provisions	
<p>Art. 42 (<i>Committee Procedure</i>) (1): the Commission shall be assisted by a committee established by <u>Art. 58 APR</u>. That committee shall be a committee within the meaning of Reg. (EU) No 182/2011.</p>	<p><u>APR</u>:</p> <ul style="list-style-type: none"> – Art. 58 (<i>Committee Procedure</i>)

ASYLUM PROCEDURE REGULATION (APR)

APR PROPOSAL	OTHER PROPOSALS
Chapter I - General provisions	
Art. 1 (<i>Subject matter</i>): this Regulation establishes a common procedure for granting and withdrawing international protection referred to in <u>QR</u> .	<u>QR</u> : – Chapter III (<i>Qualification for being a refugee</i>) – Chapter IV (<i>Refugee status</i>) – Chapter V (<i>Qualification for subsidiary protection</i>) – Chapter VI (<i>Subsidiary protection status</i>)
Art. 3 (<i>Extension of the scope of application</i>): MS may decide to apply this Regulation to applications for protection to which <u>QR</u> does not apply.	<u>QR</u> : – Art. 3 (<i>Material scope</i>) (2)
Art. 4 (<i>Definitions</i>) (1): for the purposes of this Regulation, the following definitions referred to in <u>Art. 2 QR</u> : (a) 'Geneva Convention'; (b) 'refugee'; (c) beneficiary of subsidiary protection'; (d) 'international protection'; (e) 'refugee status'; (f) 'subsidiary protection status'; (g) 'minor'; (h) 'unaccompanied minor'.	<u>QR</u> : – Art. 2 (<i>Definitions</i>) (1), (3), (4), (6), (10), (11) Note: The draft APR mistakenly refers to QR in the definition of 'Geneva Convention' and 'beneficiary of subsidiary protection'. <u>Dublin R</u> : – Art. 2 (<i>Definitions</i>) (f), (i), (j)
Art. 4 (<i>Definitions</i>) (2): definitions of (a) 'application for international protection' or 'application' and (b) 'applicant'.	<u>QR</u> : – Art. 2 (<i>Definitions</i>) (7) and (8) <u>Dublin R</u> : – Art. 2 (<i>Definitions</i>) (b) and (c)
Art. 4 (<i>Definitions</i>) (2)(d): 'final decision' means a decision on whether or not a third-country national or stateless person is granted refugee status or subsidiary protection status by virtue of <u>QR</u> , including a decision rejecting the application as inadmissible or a decision rejecting an application as explicitly withdrawn or abandoned and which can no longer be subject to an appeal procedure in the MS concerned.	<u>QR</u> : – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 4 (Definitions) (2)(j): 'MS responsible' means the MS responsible for the examination of an application in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R.:</u></p> <ul style="list-style-type: none"> – Chapter III (<i>Criteria for determining the MS responsible</i>)
<p>Art. 5 (Responsible authorities) (1)(c): the determining authority shall have the following tasks: ... taking decisions on revoking, ending or refusing to renew the refugee or subsidiary status of a person as referred to in <u>QR.</u></p>	<p><u>QR:</u></p> <ul style="list-style-type: none"> – Art. 13 (<i>Granting of refugee status</i>) – Art. 14 (<i>Revocation of, ending of or refusal to renew refugee status</i>) – Art. 19 (<i>Granting of subsidiary protection status</i>) – Art. 20 (<i>Revocation of, ending of or refusal to renew subsidiary protection status</i>)
<p>Art. 5 (Responsible authorities) (4)(b): The determining authority of the MS responsible may be assisted for the purpose of receiving, registering and examining applications for international protection by experts deployed by the EUAA, in accordance with <u>EUAAR.</u></p>	<p><u>EUAAR:</u></p> <ul style="list-style-type: none"> – Art. 2 (<i>Tasks</i>) – Art. 16 (<i>Operational and technical assistance by the Agency</i>)
<p>Chapter II - Basic principles and guarantees</p>	
<p>Art. 7 (Obligations of applicants) (1): The applicant shall make his or her application in the MS of first entry or, where he or she is legally present in a MS, he or she shall make the application in that MS as provided for in <u>Art. 4 Dublin R.</u></p>	<p><u>Dublin R.:</u></p> <ul style="list-style-type: none"> – Article 4 (<i>Obligations of the applicant</i>) (1)
<p>Art. 7 (Obligations of applicants) (2)(b): The applicant shall cooperate with the responsible authorities for them to establish his or her identity as well as to register, enable the lodging of and examine the application by providing fingerprints and facial image as referred to in <u>Eurodac R.</u></p>	<p><u>Eurodac R.:</u></p> <ul style="list-style-type: none"> – Art. 2 (<i>Obligation to take fingerprints and a facial image</i>)
<p>Art. 7 (Obligations of applicants) (5): The applicant shall remain on the territory of the MS where he or she is required to be present in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R.:</u></p> <ul style="list-style-type: none"> – Art. 4 (<i>Obligations of the applicant</i>) (3)(b)
<p>Art. 7 (Obligations of applicants) (6): The applicant shall comply with obligations to report regularly to the competent authorities or to appear before them in person without delay or at a specified time or to remain in a designated area on its territory in accordance with <u>RCD</u>, as imposed by the MS in which he or she is required to be present in accordance with <u>Dublin R.</u></p>	<p><u>RCD:</u></p> <ul style="list-style-type: none"> – Art. 7 (<i>Residence and freedom of movement</i>) (1) + (3) <p><u>Dublin R.:</u></p> <ul style="list-style-type: none"> – Art. 4 (<i>Obligations of the applicant</i>) (1) + (3)(b)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 8 (<i>General guarantees for applicants</i>) (2)(c): The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand, of their rights and obligations during the procedure, including the obligation to remain in the territory of the MS in which they are required to be present in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R.</u>:</p> <ul style="list-style-type: none"> – Art. 4 (<i>Obligations of the applicant</i>) (3)(b)
<p>Art. 8 (<i>General guarantees for applicants</i>) (2)(f): The determining authority shall inform applicants, in a language which they understand or are reasonably meant to understand, of the means at their disposal for fulfilling the obligation to submit the elements as referred to in <u>Art. 4 QR.</u></p>	<p><u>QR.</u>:</p> <ul style="list-style-type: none"> – Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>)
<p>Art. 9 (<i>Right to remain pending the examination of the application</i>) (2): The right to remain shall not constitute an entitlement to a residence permit and it shall not give the applicant the right to travel to the territory of other MS without authorisation as referred to in <u>Art. 6 RCD.</u></p>	<p><u>RCD.</u>:</p> <ul style="list-style-type: none"> – Art. 6 (<i>Travel documents</i>)
<p>Art. 11 (<i>Substantive interview</i>) (2): In the substantive interview, the applicant shall be given an adequate opportunity to present the elements needed to substantiate his or her application in accordance with <u>QR.</u></p>	<p><u>QR.</u>:</p> <ul style="list-style-type: none"> – Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>) (1)
<p>Art. 12 (<i>Requirements for personal interviews</i>) (7): The personnel interviewing applicants, including experts deployed by the EUAA, shall have received relevant training in advance which shall include the elements listed in <u>Art. 7(5) EUAAR.</u>, including as regards international human rights law, Union asylum law, and rules on access to the international protection procedure, including for persons who could require special procedural guarantees.</p>	<p><u>EUAAR.</u>:</p> <ul style="list-style-type: none"> – Art. 7 (<i>Training - Specific or thematic training activities regarding asylum matters</i>) (5)
<p>Art. 16 (<i>Scope of legal assistance and representation</i>) (3): The legal adviser or other counsellor who assists or represents an applicant shall have access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant, in accordance with <u>RCD.</u></p>	<p><u>RCD.</u>:</p> <ul style="list-style-type: none"> – Art. 10 (<i>Conditions of detention</i>) (4) – Art. 17 (<i>Modalities for material reception conditions</i>) (2)(c)
<p>Art. 19 (<i>Applicants in need of special procedural guarantees</i>) (1): The determining authority shall systematically assess whether an individual applicant is in need of special procedural guarantees. That assessment may be integrated into existing national procedures or into the assessment referred to in <u>Art. 21 RCD</u> and need not take the form of an administrative procedure.</p>	<p><u>RCD.</u>:</p> <ul style="list-style-type: none"> – Art. 21 (<i>Assessment of special reception needs</i>)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 23 (<i>Medical examination</i>) (1): Where the determining authority deems it relevant for the assessment of an application for international protection in accordance with <u>QR</u>, and subject to the applicant's consent, it shall arrange for a medical examination of the applicant concerning signs and symptoms that might indicate past persecution or serious harm.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Chapter III - Administrative procedure</p>	
<p>Art. 26 (<i>Tasks of the responsible authorities when an application is made</i>) (1)(d): The authorities responsible for receiving and registering applications shall inform the authorities responsible for the reception conditions pursuant to <u>RCD</u> of the application.</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 26 (<i>Competent authorities</i>)
<p>Art. 28 (<i>Lodging of an application for international protection</i>) (4): When lodging an application, applicants are required to submit all the elements referred to in <u>Art. 4(1) QR</u> needed for substantiating their application.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 4 (<i>Submission of information and assessment of facts and circumstances</i>) (1)
<p>Art. 29 (<i>Documents for the applicant</i>) (2)(e): The authorities of the MS where the application is lodged shall, within three working days of the lodging of the application, provide the applicant with a document in his or her own name stating that the document is not a valid travel document and indicating that the applicant is not allowed to travel without authorisation to the territory of other MS until the procedure for the determination of the MS responsible for the examination of the application in accordance with <u>Dublin R.</u> has taken place.</p>	<p><u>Dublin R.</u>:</p> <ul style="list-style-type: none"> – Chapter VI (<i>Procedures</i>) – Art. 4 (<i>Obligations of the applicant</i>) (3)(b)
<p>Art. 29 (<i>Documents for the applicant</i>) (3): Where, following a procedure of determination in accordance with <u>Dublin R.</u>, another MS is designated as responsible for the examination of the application, the authorities of that MS shall provide the applicant with a document referred to in paragraph 2 within three working days from the transfer of the applicant to that MS.</p>	<p><u>Dublin R.</u>:</p> <ul style="list-style-type: none"> – Chapter VI (<i>Procedures</i>)
<p>Art. 33 (<i>Examination of applications</i>) (2)(c): For the purpose of examining the application, the determining authority shall take into account the common analysis of the country of origin information referred to in <u>Art. 10 EUAAR</u>.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 10 (<i>Common analysis on country of origin information</i>)
<p>Art. 33 (<i>Examination of applications</i>) (3): The personnel examining applications and taking decisions shall have sufficient knowledge of the relevant standards applicable in the field of asylum and refugee law. They shall have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious and child-related or gender issues. Where necessary, they may submit queries to the EUAA in accordance with <u>Art. 9(2)(b) EUAAR</u>.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 9 (<i>European networks on country of origin information</i>) (2)(b)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 33 (<i>Examination of applications</i>) (5)(b): An examination of an application for international protection may be prioritised in accordance with the basic principles and guarantees of Chapter II, in particular, where the applicant has special reception needs within the meaning of <u>Art. 20 RCD</u>, or is in need of special procedural guarantees, in particular where he or she is an unaccompanied minor.</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 20 (<i>Applicants with special reception needs</i>)
<p>Art. 34 (<i>Duration of the examination procedure</i>) (1): The examination to determine the admissibility of an application in accordance with Article 36(1) shall not take longer than one month from the lodging of an application.</p> <p>The time-limit for such examination shall be ten working days where, in accordance with <u>Art. 3(3)(a) Dublin R.</u>, the MS of first application applies the concept of first country of asylum or safe third country referred to in Article 36(1)(a) and (b).</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Article 3 (<i>Access to the procedure for examining an application for international protection</i>) (3)(a)
<p>Art. 34 (<i>Duration of the examination procedure</i>) (4): Where an application is subject to the procedure laid down in Dublin R., the time-limit referred to in paragraph 2 shall start to run from the moment the MS responsible is determined in accordance with that Regulation, the applicant is on the territory of that MS and he or she has been taken in charge in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Chapter VI (<i>Procedures</i>)
<p>Art. 36 (<i>Decision on the admissibility of the application</i>) (1)(c): The determining authority shall assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and shall reject an application as inadmissible where any of the following grounds applies: (c) the application is a subsequent application, where no new relevant elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection in accordance with <u>QR</u> or relating to the inadmissibility ground previously applied, have arisen or have been presented by the applicant.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 36 (<i>Decision on the admissibility of the application</i>) (2): An application shall not be examined on its merits in the cases where an application is not examined in accordance with <u>Dublin R.</u>, including when another MS has granted international protection to the applicant, or where an application is rejected as inadmissible in accordance with paragraph 1.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Chapter VI (<i>Procedures</i>)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 36 (<i>Decision on the admissibility of the application</i>) (3): Paragraph 1(a) and (b) shall not apply to a beneficiary of subsidiary protection who has been resettled under an expedited procedure in accordance with <u>RR</u>.</p>	<p><u>RR</u>:</p> <ul style="list-style-type: none"> – Art. 11 (<i>Expedited procedure</i>)
<p>Art. 36 (<i>Decision on the admissibility of the application</i>) (4): Where after examining an application in accordance with <u>Art. 3(3)(a) Dublin R.</u>, the first Member State in which the application is lodged considers it to be admissible, the provision of paragraph 1(a) and (b) need not be applied again by the MS responsible.</p>	<p><u>Dublin R.</u>:</p> <ul style="list-style-type: none"> – Art. 3 (<i>Access to the procedure for examining an application for international protection</i>) (3)(a)
<p>Art. 37 (<i>Decision on the merits of an application</i>) (1): When examining an application on the merits, the determining authority shall take a decision on whether the applicant qualifies as a refugee and, if not, it shall determine whether the applicant is eligible for subsidiary protection in accordance with <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for refugee status</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 37 (<i>Decision on the merits of an application</i>) (2): The determining authority shall reject an application as unfounded where it has established that the applicant does not qualify for international protection pursuant to <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 38 (<i>Explicit withdrawal of applications</i>) (2): Where an application is explicitly withdrawn by the applicant, the determining authority shall take a decision to reject the application as explicitly withdrawn or as unfounded where the determining authority has, at the stage that the application is explicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 39 (<i>Implicit withdrawal of applications</i>) (5): Where an application is implicitly withdrawn, the determining authority shall take a decision to reject the application as abandoned or as unfounded where the determining authority has, at the stage that the application is implicitly withdrawn, already found that the applicant does not qualify for international protection pursuant to <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 40 (<i>Accelerated examination procedure</i>) (1)(a): The determining authority shall, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where: (a) the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection in accordance with <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 40 (<i>Accelerated examination procedure</i>) (1)(b): The determining authority shall, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where: (b) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)
<p>Art. 40 (<i>Accelerated examination procedure</i>) (1)(g): The determining authority shall, in accordance with the basic principles and guarantees provided for in Chapter II, accelerate the examination on the merits of an application for international protection, in the cases where: (g) the applicant does not comply with the obligations set out in <u>Art. 4(1) and Art. 20(3) Dublin R.</u>, unless he or she demonstrates that his or her failure was due to circumstances beyond his or her control.</p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Art. 4 (<i>Obligations of the applicant</i>) (1) + (3)(b) <p>Note: the reference to Art. 20(3) Dublin in the APR is not correct and it should be Art. 4(3)(b).</p>
<p>Art. 40 (<i>Accelerated examination procedure</i>) (3): Where an application is subject to the procedure laid down in <u>Dublin R.</u>, the time-limits referred to in paragraph 2 shall start to run from the moment the MS responsible is determined in accordance with that Reg., the applicant is on the territory of that MS and he or she has been taken in charge in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R</u>:</p> <ul style="list-style-type: none"> – Chapter VI (<i>Procedures</i>)
<p>Article 41 (<i>Border procedure</i>) (5): The border procedure may be applied to unaccompanied minors, in accordance with <u>Art. 8 to 11 RCD</u> only where (...)</p>	<p><u>RCD</u>:</p> <ul style="list-style-type: none"> – Art. 8 (<i>Detention</i>) – Art. 9 (<i>Guarantees for detained applicants</i>) – Art. 10 (<i>Conditions of detention</i>) – Art. 11 (<i>Detention of applicants with special reception needs</i>)
<p>Art. 42 (<i>Subsequent applications</i>) (2): A subsequent application shall be subject to a preliminary examination in which the determining authority shall establish whether relevant new elements or findings have arisen or have been presented by the applicant which significantly increase the likelihood of the applicant qualifying as a beneficiary of international protection by virtue of <u>QR</u> or which relate to the reasons for which the previous application was rejected as inadmissible.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter III (<i>Qualification for being a refugee</i>) – Chapter V (<i>Qualification for subsidiary protection</i>)

APR PROPOSAL	OTHER PROPOSALS
<p>Art. 44 (<i>The concept of first country of asylum</i>) (2)(b): The determining authority shall consider that an applicant enjoys sufficient protection within the meaning of paragraph 1(b) provided that it is satisfied that: (b) there is no risk of serious harm as defined in <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 16 (<i>Serious harm</i>)
<p>Art. 45 (<i>The concept of safe third country</i>) (1)(b): A third country shall be designated as a safe third country provided that: (b) there is no risk of serious harm as defined in <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 16 (<i>Serious harm</i>)
<p>Art. 47 (<i>The concept of safe country of origin</i>) (1): A third country may be designated as a safe country of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally no persecution as defined in <u>Art. 9 QR</u>, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 9 (<i>Acts of persecution</i>)
<p>Art. 47 (<i>The concept of safe country of origin</i>) (2): The assessment of whether a third country may be designated as a safe country of origin in accordance with this Regulation shall be based on a range of sources of information, including in particular information from MS, the EUAA, the EEAS, the UNHCR, the Council of Europe as well as other relevant organisations, and shall take into account the common analysis of the COI referred to in <u>Art. 10 EUAAR</u>.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 10 (<i>Common analysis on country of origin information</i>)
<p>Art. 48 (<i>Designation of safe countries of origin at Union level</i>) (3): In accordance with <u>Art. 11(2) EUAAR</u>, the Commission may request the EUAA to provide it with information on specific third countries which could be considered for inclusion in the common EU list of safe countries of origin.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 11 (<i>Designation of safe countries of origin and safe third countries</i>) (2)

APR PROPOSAL	OTHER PROPOSALS
Chapter IV - Procedures for the withdrawal of international protection	
<p>Art. 51 (<i>Withdrawal of international protection</i>): The determining authority shall start the examination to withdraw international protection from a particular person when new elements or findings arise indicating that there are reasons to reconsider the validity of his or her international protection, and in particular in those instances referred to in <u>Art 15 and 21 QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 15 (<i>Review of refugee status</i>) – Art. 21 (<i>Review of the subsidiary protection status</i>)
<p>Art. 52 (<i>Procedural rules</i>) (1): Where the competent authority is considering withdrawing international protection from a third-country national or stateless person, including in the context of a regular status review referred to in <u>Art. 15 and 21 QR</u>, ...</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 15 (<i>Review of refugee status</i>) – Art. 21 (<i>Review of the subsidiary protection status</i>)
Chapter V - Appeal procedure	
<p>Art. 53 (<i>The right to an effective remedy</i>) (3): An effective remedy within the meaning of paragraph 1 shall provide for a full and <i>ex nunc</i> examination of both facts and points of law, including, where applicable, an examination of the international protection needs pursuant to <u>QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Chapter II (<i>Assessment of applications for international protection</i>)

RECEPTION CONDITIONS DIRECTIVE (RCD)

RCD PROPOSAL	OTHER PROPOSALS
Chapter I - Subject-matter, definitions and scope	
Art. 2 (Definitions) (1): ‘application for international protection’: means an application for international protection as defined in <u>Art. 4(2)(a) APR</u> .	<u>APR</u> : – Art. 4 (Definitions) (2)(a)
Art. 2 (Definitions) (2): ‘applicant’: means an applicant as defined in <u>Art. 4(2)(b) APR</u> .	<u>APR</u> : – Art. 4 (Definitions) (2)(b)
Art. 2 (Definitions) (3): ‘family members’: means family members as defined in <u>Art. 2(9) QR</u> .	<u>QR</u> : – Art. 2 (Definitions) (9)
Art. 2 (Definitions) (4): ‘minor’: means a minor as defined in <u>Art. 2(10) QR</u> .	<u>QR</u> : Art. 2 (Definitions) (10)
Art. 2 (Definitions) (5): ‘unaccompanied minor’: means an unaccompanied minor as defined in <u>Art. 2(11) QR</u> .	<u>QR</u> : – Art. 2 (Definitions) (11)
Art. 2 (Definitions) (10): ‘absconding’: means the action by which an applicant, in order to avoid asylum procedures, either leaves the territory where he or she is obliged to be present in accordance with <u>Dublin R</u> , or does not remain available to the competent authorities or to the court or tribunal.	<u>Dublin R</u> : – Art. 4 (Obligations of the applicant) (3)(b)
Art. 2 (Definitions) (12): ‘guardian’: means a person as defined in <u>Art. 4(2)(f) APR</u> .	<u>APR</u> : – Art. 4 (Definitions) (2)(f)
Art. 3 (Scope) (4): Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from <u>QR</u> .	<u>QR</u> : – Art. 3 (Material scope) (2)
Chapter II - General provisions on receptions conditions	
Art. 5 (Information) (1): MS shall inform applicants, as soon as possible and at the latest when they are lodging their application for international protection, of any established benefits and of the obligations with which they must comply relating to reception conditions. They shall point out in the information provided that the applicant is not entitled to the reception conditions set out in Articles 14 to 17 of this Directive as stated in Article 17a of the same Directive in any MS other than where he or she is required to be present in accordance with <u>Dublin R</u> .	<u>Dublin R</u> : – Art. 5 (Consequences of non-compliance) (3)

RCD PROPOSAL	OTHER PROPOSALS
<p>Art. 7 (Residence and freedom of movement) (2)(c): MS shall where necessary decide on the residence of an applicant in a specific place for any of the following reasons: (c) for the swift processing and effective monitoring of his or her procedure for determining the MS responsible in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R.</u></p> <ul style="list-style-type: none"> – Chapter VI (Procedures)
<p>Art. 7 (Residence and freedom of movement) (2)(d): MS shall where necessary decide on the residence of an applicant in a specific place for any of the following reasons: (d) to effectively prevent the applicant from absconding, in particular:</p> <ul style="list-style-type: none"> – for applicants who have not complied with the obligation to make an application in the first MS of entry as set out in <u>Art. 4(1) Dublin R.</u> and have travelled to another MS without adequate justification and made an application there; or – where applicants are required to be present in another MS in accordance with <u>Dublin R.</u>; or – for applicants who have been sent back to the MS where they are required to be present in accordance with <u>Dublin R.</u> after having absconded to another MS. 	<p><u>Dublin R.</u></p> <ul style="list-style-type: none"> – Art. 4 (Obligations of the applicant) (1) – Art. 4 (Obligations of the applicant)(1) + (3)(b) – Art. 4 (Obligations of the applicant)(1) + (3)(b)
<p>Art. 8 (Detention) (3)(d): An applicant may be detained only: (d) in order to decide, in the context of a border procedure in accordance with <u>Art. 41 APR</u>, on the applicant's right to enter the territory.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 41 (Border procedure)
<p>Art. 8 (Detention) (3)(g): An applicant may be detained only: (g) in accordance with <u>Art. 29 Dublin R.</u></p>	<p><u>Dublin R.</u></p> <ul style="list-style-type: none"> – Art. 29 (Detention)
<p>Art. 10 (Conditions of detention) (5): Member States shall ensure that applicants in detention are systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language which they understand or are reasonably supposed to understand. MS may derogate from this obligation in duly justified cases and for a reasonable period which shall be as short as possible, in the event that the applicant is detained at a border post or in a transit zone. This derogation shall not apply in cases referred to in <u>Art. 41 APR</u>.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 41 (Border procedure)
<p>Art. 11 (Detention of applicants with special reception needs) (6): In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the third subparagraph of paragraph 2, paragraph 4 and the first subparagraph of paragraph 5, when the applicant is detained at a border post or in a transit zone, with the exception of the cases referred to in <u>Art. 41 APR</u>.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 41 (Border procedure)

RCD PROPOSAL	OTHER PROPOSALS
<p>Art. 15 (Employment) (1), 2nd subpar.: Where the MS has accelerated the examination on the merits of an application for international protection in accordance with <u>Art. 40(1)(a) to (f) APR</u>, access to the labour market shall not be granted.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 40 (Accelerated examination procedure) (1)(a) to (f)
<p>Art. 15 (Employment) (5): Where applicants have been granted access to the labour market in accordance with paragraph 1, MS shall ensure that the applicant's document as referred to in <u>Art. 29 APR</u> state that the applicant has permission to take up gainful employment.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 29 (Documents for the applicant)
<p>Art. 16 (General rules on material reception conditions) (1): MS shall ensure that material reception conditions are available to applicants from the moment they make their application for international protection in accordance with <u>Art. 25 APR</u>.</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 25 (Making an application for international protection)
<p>Art. 17a (Reception conditions in a Member State other than the one in which the applicant is required to be present) (1): An applicant shall not be entitled to the reception conditions set out in Art. 14 to 17 in any MS other than the one in which he or she is required to be present in accordance with <u>Dublin R.</u></p>	<p><u>Dublin R:</u></p> <ul style="list-style-type: none"> – Art. 5 (Consequences of non-compliance) (3)
<p>Art. 17a (Reception conditions in a Member State other than the one in which the applicant is required to be present) (3): Pending the transfer under <u>Dublin R.</u> of a minor to the MS, MS shall provide him or her with access to suitable educational activities.</p>	<p><u>Dublin R:</u></p> <ul style="list-style-type: none"> – Section VII (Transfers), in particular Art. 38 (Obligations of the benefitting MS) (c)
<p>Art. 18 (Health care) (1): Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with <u>Dublin R.</u>, receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.</p>	<p><u>Dublin R:</u></p> <ul style="list-style-type: none"> – Art. 4 (Obligations of the applicant) (1) and (3)(b) – Art. 5 (Consequences of non-compliance) (3)
<p>Chapter III - Replacement, reduction or withdrawal of material reception conditions</p>	
<p>Art. 19 (Replacement, reduction or withdrawal of material reception conditions) (1): With regard to applicants who are required to be present on their territory in accordance with <u>Dublin R.</u>, MS may, in the situations described in par. 2: ...</p>	<p><u>Dublin R:</u></p> <ul style="list-style-type: none"> – Art. 4 (Obligations of the applicant) (1) and (3)(b).
<p>Art. 19 (Replacement, reduction or withdrawal of material reception conditions) (2)(c): Paragraph 1 applies where an applicant: (c) has lodged a subsequent application as defined in <u>Art. 4(2)(i) APR</u>; or</p>	<p><u>APR:</u></p> <ul style="list-style-type: none"> – Art. 4 (Definition of 'subsequent application') (2)(i)
<p>Art. 19 (Replacement, reduction or withdrawal of material</p>	<p><u>Dublin R:</u></p>

RCD PROPOSAL	OTHER PROPOSALS
<p><i>reception conditions</i>) (2)(g): Paragraph 1 applies where an applicant: (g) has not complied with the obligation set out in <u>Art. 4(1) Dublin R.</u> and has travelled to another MS without adequate justification and made an application there; or</p>	<p>– Art. 4 (<i>Obligations of the applicant</i>) (1)</p>
<p>Chapter IV - Provisions for applicants with special reception needs</p>	
<p>Art. 21 (<i>Assessment of special reception needs</i>) (1), 2nd subpar.: That assessment shall be initiated as early as possible after an application for international protection is made and may be integrated into existing national procedures or into the assessment referred to in <u>Art. 19 APR</u>. MS shall ensure that those special reception needs are also addressed, in accordance with this Directive, if they become apparent at a later stage in the asylum procedure.</p>	<p><u>APR</u>:</p> <p>– Art. 19 (<i>Applicants in need of special procedural guarantees</i>)</p>
<p>Art. 21 (<i>Assessment of special reception needs</i>) (5): The assessment provided for in paragraph 1 shall be without prejudice to the assessment of international protection needs pursuant to <u>QR</u>.</p>	<p><u>QR</u>:</p> <p>– Chapter II (<i>Assessment of applications for international protection</i>)</p>
<p>Art. 23 (<i>Unaccompanied minors</i>) (1): Member States shall as soon as possible and no later than five working days from the moment when an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with <u>Art. 22 APR</u> may perform those tasks.</p>	<p><u>APR</u>:</p> <p>– Art. 22 (<i>Special guarantees for unaccompanied minors</i>)</p>

RCD PROPOSAL	OTHER PROPOSALS
Chapter VI - Actions to improve the efficiency of the reception system	
<p>Art. 27 (Guidance, monitoring and control system) (1): Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. MS shall take into account [operational standards on reception conditions and indicators developed by the EASO / EUAA] and any other reception conditions operational standards, indicators or guidelines established in accordance with <u>Art. 12 EUAAR</u>.</p>	<p><u>EUAAR:</u></p> <ul style="list-style-type: none"> – Art. 12 (Operational standards, guidelines and best practices)
<p>Art. 27 (Guidance, monitoring and control system) (2): MS' reception systems shall be monitored and assessed in accordance with the procedure set out in <u>Chapter 5 EUAAR</u>.</p>	<p><u>EUAAR:</u></p> <ul style="list-style-type: none"> – Chapter 5 (Monitoring and assessment)
<p>Art. 28 (Contingency planning) (1): Each MS shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, including those for whom the MS responsible in accordance with <u>Dublin R.</u>, taking into account the corrective allocation mechanism outlined in <u>Chapter VII of that Regulation</u>.</p>	<p><u>Dublin R:</u></p> <ul style="list-style-type: none"> – Chapter VII (Corrective allocation mechanism).
<p>Art. 28 (Contingency planning) (3): The contingency plans, and in particular the adequacy of the measures taken according to the plans, shall be monitored and assessed in accordance with the procedure set out in <u>Chapter 5 EUAAR</u>.</p>	<p><u>EUAAR:</u></p> <ul style="list-style-type: none"> – Chapter 5 (Monitoring and assessment)
<p>Art. 29 (Staff and resources) (1): MS shall take appropriate measures to ensure that authorities and other organisations implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, MS shall integrate the European asylum curriculum developed by the EUAA into the training of their personnel in accordance with <u>EUAAR</u>.</p>	<p><u>EUAAR:</u></p> <ul style="list-style-type: none"> – Art. 2 (Tasks)(1)(d) – Art. 7 (Training) (4)

RESETTLEMENT REGULATION (RR)

RR PROPOSAL	OTHER PROPOSALS
<p>Art. 5 (Eligibility criteria) (a)(i): third-country nationals, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, are outside the country of nationality or the part of that country in which they formerly habitually resided, and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country, or stateless persons, who, being outside of the country of former habitual residence or of the part of that country in which they formerly habitually resided, for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to or stay in it, or, failing that,</p>	<p><u>QR:</u></p> <ul style="list-style-type: none"> – Art. 2 (Definitions) (3)
<p>Art. 5 (Eligibility criteria) (a)(ii): third-country nationals, who are outside the country of nationality or the part of that country in which they formerly habitually resided, or stateless persons, who are outside of the country of former habitual residence or of the part of that country in which they formerly habitually resided, and in respect of whom substantial grounds have been shown for believing that they, if returned to or staying in their country of origin or former habitual residence, would face a real risk of suffering serious harm, and are unable, or, owing to such risk, are unwilling to avail themselves of the protection of that country;</p>	<p><u>QR:</u></p> <ul style="list-style-type: none"> – Art. 2 (Definitions) (5)
<p>Art. 5 (Eligibility criteria) (b)(ii): family members of third-country nationals or stateless persons or Union citizens legally residing in a MS: ...</p>	<p><u>Dublin R.:</u></p> <ul style="list-style-type: none"> – Art. 2 (Definitions) (g) – Art. 18 (Dependent persons)
<p>Art. 6 (Grounds for exclusion): The following third-country nationals or stateless persons shall be excluded from targeted Union resettlement schemes established in accordance with Article 8: ...</p>	<p><u>QR:</u></p> <ul style="list-style-type: none"> – Art. 12 (Exclusion) (2) – Art. 18 (Exclusion) (1) – Art. 26 (Residence permits) (2) (b) <p><u>Schengen Borders Code:</u></p> <p>Art. 6 (Entry conditions for third-country nationals) (1) (d) and (e)</p>

<p>Art. 8 (<i>Targeted Union resettlement schemes</i>) (2)(d): a targeted Union resettlement scheme shall include at least, where necessary, local coordination and practical cooperation arrangements among MS, supported by the <u>EUAA</u> in accordance with Art. 12(3), and with third countries, and UNHCR or other partners;</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 2 (<i>Tasks</i>) (1)(m) – Art. 35 (<i>Cooperation with third countries</i>) (4) – Art. 37 (<i>Cooperation with the UNHCR and other international organisation</i>)
<p>Art. 10 (<i>Ordinary procedure</i>) (7)(a): The decision to grant refugee status or subsidiary protection status shall have the same effect as a decision to grant refugee status or to grant subsidiary protection status referred to in <u>Art. 13 and 19 of QR</u>.</p>	<p><u>QR</u>:</p> <ul style="list-style-type: none"> – Art. 13 (<i>Granting of refugee status</i>) – Art. 19 (<i>Granting of subsidiary protection status</i>)
<p>Art.10 (<i>Ordinary procedure</i>) (8): For the purpose of implementing the ordinary procedure, prior to identifying third-country nationals or stateless persons, MS may request UNHCR, or where applicable, <u>the EUAA</u>, or relevant international bodies to refer to them third-country nationals or stateless persons in relation to whom those entities have fully assessed: ...</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 2 (<i>Tasks</i>) (1)(m) – Chapter 7 (<i>Information exchange and data protection</i>) – Art. 35 (<i>Cooperation with third countries</i>) (4) – Art. 37 (<i>Cooperation with the UNHCR and other international organisation</i>)
<p>Art. 12 (<i>Operational cooperation</i>) (2): <u>The EUAA</u> may support MS, including by coordinating technical cooperation between them, assisting them in the implementation of targeted Union resettlement schemes and facilitating the sharing of infrastructure in accordance with <u>EUAAR</u>.</p>	<p><u>EUAAR</u>:</p> <ul style="list-style-type: none"> – Art. 2 (<i>Tasks</i>) (1)(m) – Art. 35 (<i>Cooperation with third countries</i>) (4) – Art. 37 (<i>Cooperation with the UNHCR and other international organisation</i>)
<p>Art. 13 (<i>High-Level Resettlement Committee</i>) (1): <u>The EUAA</u>, UNHCR, and IOM may be invited.</p>	<p><u>EUAAR</u></p>
<p>Art. 18 (<i>Evaluation and Review</i>) (2): Member States shall provide the Commission and <u>the EUAA</u> with the necessary information for drawing up its report for the purpose of paragraph 1 in addition to the information provided to <u>the EUAA</u> on the number of third-country nationals and stateless persons effectively resettled on a weekly basis as laid down in <u>Art. 22(3) Dublin R.</u></p>	<p><u>Dublin R.</u>:</p> <ul style="list-style-type: none"> – Art. 22 (<i>Registration</i>) (3)