



Council of the
European Union

Brussels, 11 October 2016
(OR. en)

13090/16

**Interinstitutional File:
2016/0133 (COD)**

**ASILE 48
CODEC 1419**

NOTE

From:	General Secretariat of the Council
To:	Asylum Working Party
No. Cion doc.:	8715/1/16 REV 1 ASILE 11 CODEC 613
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (First reading)

Delegations will find attached the results of the Consultative Working Party regarding the above-mentioned proposal.



GRUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 06 OCT. 2016

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

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

COM(2016) 270 final of 4.5.2016 - 2016/0133 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 25 May and 7 July 2016 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting 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 resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in Article 1, the proposed adding of the word '*single*';
- in paragraphs 5 and 6 of Article 8, the proposed deletion of the word '*siblings*';
- in Article 10(1), the word '*only*';
- in Article 10(2), the proposed deletion of the words '*or a sibling*';

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 13, introductory wording, the proposed deletion of the words '*and/or minor unmarried siblings*';
- the entire text of Annex I.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



F. DREXLER
Jurisconsult



H. LEGAL
Jurisconsult



L. ROMERO REQUENA
Director General