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[1] Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

EN

[1] Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 118/2014

of 30 January 2014

amending Regulation (EC) No 1560/2003 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 [1], and in particular Articles 4(3), 6(5), 8(6), 16(4), 21(3), 22(3), 23(4) and 24(5), Article 29(1) and (4), Article 31(4), Article 32(1) and (5), and Article 35(4) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1560/2003 [2] a number of specific arrangements needed for the application of Council Regulation (EC) No 343/2003 [3] were adopted.

(2) In June 2013 a Regulation (EU) No 604/2013 was adopted, recasting Regulation (EC) No 343/2003. A number of further specific arrangements should be established for the effective application of Regulation (EU) No 604/2013.

(3) In order to increase the efficiency of the system and improve the cooperation between national authorities, the rules regarding the transmission and processing of requests for the purpose of taking charge and taking back, the requests for information, the cooperation on reuniting family members and other relatives in the case of unaccompanied minors and dependent persons, as well as carrying out of transfers, need to be amended.

(4) A common leaflet on Dublin/Eurodac, as well as a specific leaflet for unaccompanied minors, a standard form for the exchange of relevant information on unaccompanied minors, uniform conditions for the consultation and exchange of information on minors and dependent persons, a standard form for the exchange of data before a transfer; a common health certificate, of uniform conditions and practical arrangements for the exchange of information on a person's health data before a transfer, are not provided for in Regulation (EC) No 1560/2003. Consequently, new provisions should be added.

(5) Regulation (EU) No 603/2013 of the European Parliament and of the Council [4] replaces Council Regulation (EC) No 2725/2000 [5] and introduces changes to

[1] OJ L 180, 29.6.2013, p. 31.

[2] 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).

[3] Council Regulation (EC) No 343/2003 of 18 February 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 50, 25.2.2003, p. 1).

[4] Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

[5] Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, p. 1).

the Eurodac system. Therefore, Regulation (EC) No 1560/2003 should be adapted in order to properly reflect the interaction between the procedures laid down in Regulation (EU) No 604/2013 and the application of Regulation (EU) No 603/2013.

(6) Regulation (EC) No 767/2008 of the European Parliament and of the Council [1] provides for rules on the facilitation of application of Regulation (EU) No 604/2013. Consequently, the uniform conditions for preparation and submission of requests to take charge of applicants should be amended to include rules on the use of Visa Information System data.

(7) Technical adaptations are necessary in order to respond to the evolution of the standards applicable and the practical arrangements for using the electronic transmission network set up by Regulation (EC) No 1560/2003 to facilitate the implementation of Regulation (EU) No 604/2013.

(8) Directive 95/46/EC of the European Parliament and of the Council [2] should apply to processing carried out pursuant to this Regulation.

(9) Regulation (EU) No 604/2013 applies to applications for international protection lodged as from 1 January 2014. It is therefore necessary that this Regulation enters into force as soon as possible to enable Regulation (EU) No 604/2013 to be fully applied.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 44(2) of Regulation (EU) No 604/2013.

(11) Therefore, Regulation (EC) No 1560/2003 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1560/2003

Regulation (EC) No 1560/2003 is amended as follows:

(1) in Article 1, the following paragraph is inserted:

'2a. Where the request is based on a positive result (hit) transmitted by the Visa Information System (VIS) in accordance with Article 21 of Regulation (EC) No 767/2008 of the European Parliament and of the Council (*) after comparison of the fingerprints of the applicant for international protection with fingerprint data previously taken and sent to the VIS in accordance with Article 9 of that Regulation and checked in accordance with Article 21 of that Regulation, it shall also include the data supplied by the VIS.

(*) 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 (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).';

(2) Article 2 is replaced by the following:

'Article 2

Preparation of requests for taking back

Requests for taking back shall be made on a standard form in accordance with the model in Annex III, setting out the nature of the request, the reasons for it and the provisions of Regulation (EU) No 604/2013 of the European Parliament and of the Council (*) on which it is based.

The request shall also include, as applicable:

(a) a copy of all the proof and circumstantial evidence showing that the requested Member State is responsible for examining the application for international protection, accompanied, where appropriate, by comments on the circumstances in which it was obtained and the probative value attached to it by the requesting Member State, with reference to the lists of proof and circumstantial evidence referred to in Article 22(3) of Regulation (EU) No 604/2013, which are set out in Annex II to this Regulation;

(b) the positive result (hit) transmitted by the Eurodac Central Unit, in accordance with Article 4(5) of Regulation (EC) No 2725/2000, after comparison of the applicant's fingerprints with fingerprint data previously taken and sent to the Central Unit in accordance with Article 4(1) and (2) of that Regulation and checked in accordance with Article 4(6) of that Regulation.

(*) 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).';

[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 (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

[2] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

(3) in Article 8, a new paragraph is added:

'3. The standard form set out in Annex VI shall be used for the purpose of transmitting to the responsible Member State the data essential to safeguard the rights and immediate needs of the person to be transferred. This standard form shall be considered a notice in the meaning of paragraph 2.';

(4) in Article 9, a new paragraph is inserted:

'1a. Where a transfer has been delayed at the request of the transferring Member State, the transferring and the responsible Member States must resume communication in order to allow for a new transfer to be organised as soon as possible, in accordance with Article 8, and no later than two weeks from the moment the authorities become aware of the cessation of the circumstances that caused the delay or postponement. In such a case, an updated standard form for the transfer of the data before a transfer is carried out as set out in Annex VI shall be sent prior to the transfer.';

(5) in Article 9, paragraph 2 is replaced by the following:

'2. A Member State which, for one of the reasons set out in Article 29(2) of Regulation (EU) No 604/2013, cannot carry out the transfer within the normal time limit of six months from the date of acceptance of the request to take charge or take back the person concerned or of the final decision on an appeal or review where there is a suspensive effect, shall inform the Member State responsible before the end of that time limit. Otherwise, the responsibility for processing the application for international protection and the other obligations under Regulation (EU) No 604/2013 falls to the requesting Member State, in accordance with Article 29(2) of that Regulation.';

(6) in Article 11, a new paragraph is added:

'6. Where the applicant is present on the territory of Member State other than the one where the child, sibling or parent as referred to in Article 16(1) of Regulation (EU) No 604/2013 are present, the two Member States shall consult each other and exchange information in order to establish:

(a) the proven family links between the applicant and the child, sibling or parent;

(b) the dependency link between the applicant and the child, sibling or parent;

(c) the capacity of the person concerned to take care of the dependent person;

(d) where necessary, the elements to be taken into account in order to assess the inability to travel for a significant period of time.

In order to carry out the exchange of information referred to in the first subparagraph, the standard form set out in Annex VII to this Regulation shall be used.

The requested Member State shall endeavour to reply within four weeks from the receipt of the request. Where compelling evidence indicates that further investigations would lead to more relevant information, the requested Member State shall inform the requesting Member State that two additional weeks are needed.

The request for information pursuant to this Article shall be carried out ensuring full compliance with the deadlines presented in Articles 21(1), 22(1), 23(2), 24(2) and 25(1) of Regulation (EU) No 604/2013. This obligation is without prejudice to Article 34(5) of Regulation (EU) No 604/2013.';

(7) in Article 12, the following paragraphs are added:

'3. With a view to facilitating the appropriate action to identify the family members, siblings or relatives of an unaccompanied minor, the Member State with which an application for international protection was lodged by an unaccompanied minor shall, after holding the personal interview pursuant to Article 5 of Regulation (EU) No 604/2013 in the presence of the representative referred to in Article 6(2) of that Regulation, search for and/or take into account any information provided by the minor or coming from any other credible source familiar with the personal situation or the route followed by the minor or a member of his or her family, sibling or relative.

The authorities carrying out the process of establishing the Member State responsible for examining the application of an unaccompanied minor shall involve the representative referred to in Article 6(2) of Regulation (EU) No 604/2013 in this process to the greatest extent possible.

4. Where in the application of the obligations resulting from Article 8 of Regulation (EU) No 604/2013, the Member State carrying out the process of establishing the Member State responsible for examining the application of an unaccompanied minor is in possession of information that makes it possible to start identifying and/or locating a member of the family, sibling or relative, that Member State shall consult other Member States, as appropriate, and exchange information, in order to:

(a) identify family members, siblings or relatives of the unaccompanied minor, present on the territory of the Member States;

(b) establish the existence of proven family links;

(c) assess the capacity of a relative to take care of the unaccompanied minor, including where family members, siblings or relatives of the unaccompanied minor stay in more than one Member State.

5. Where the exchange of information referred to in paragraph 4 indicates that more family members, siblings or relatives are present in another Member State or States, the Member State where the unaccompanied minor is present shall cooperate with the relevant Member State or States, to determine the most appropriate person to whom the minor is to be entrusted, and in particular to establish:

(a) the strength of the family links between the minor and the different persons identified on the territories of the Member States;

(b) the capacity and availability of the persons concerned to take care of the minor;

(c) the best interests of the minor in each case.

6. In order to carry out the exchange of information referred to in paragraph 4, the standard form set out in Annex VIII to this Regulation shall be used.

The requested Member State shall endeavour to reply within four weeks from the receipt of the request. Where compelling evidence indicates that further investigations would lead to more relevant information, the requested Member State will inform the requesting Member State that two additional weeks are needed.

The request for information pursuant to this Article shall be carried out ensuring full compliance with the deadlines presented in Articles 21(1), 22(1), 23(2), 24(2) and 25(1) of Regulation (EU) No 604/2013. This obligation is without prejudice to Article 34(5) of Regulation (EU) No 604/2013.';

(8) in Article 15(1), the first subparagraph is replaced by the following:

'Requests, replies and all written correspondence between Member States concerning the application of Regulation (EU) No 604/2013 shall be sent through the "DubliNet" electronic communications network, set up under Title II of this Regulation.';

(9) a new Article 15a is inserted:

'*Article 15a*

Uniform conditions and practical arrangements for exchanging health data before a transfer is carried out

The exchange of health data prior to a transfer and, in particular, the transmission of the health certificate set out in Annex IX shall only take place between the authorities notified to the Commission in accordance with Article 35 of Regulation (EU) No 604/2013 using the "DubliNet".

The Member State carrying out the transfer of an applicant and the responsible Member State shall endeavour to agree prior to the transmission of the health certificate on the language to be used in order to complete that certificate, taking into account the circumstances of the case, in particular the need for any urgent action upon arrival.';

(10) a new Article 16a is inserted:

'*Article 16a*

Information leaflets for applicants for international protection

1. A common leaflet informing all applicants for international protection of the provisions of Regulation (EU) No 604/2013 and on the application of Regulation (EU) No 603/2013 is set out in Annex X.

2. A specific leaflet for unaccompanied **children** applying for international protection is set out in Annex XI.

3. Information for third-country nationals or stateless persons apprehended **in connection** with irregular crossing of an external border is set out in Annex XII.

4. Information for third-country nationals or stateless persons found illegally staying in a Member State, are set out in Annex XIII.';

(11) in Article 18, paragraph 2 is deleted;

(12) in Article 19, paragraph 4 is replaced by the following:

'4. The forms of which the models are set out in Annexes I and III and the forms for the request of information set out in Annexes V, VI, VII, VIII and IX shall be sent between National Access Points in the format supplied by the Commission. The Commission shall inform the Member States of the technical standards required.';

(13) in Article 20, paragraph 1 is replaced by the following:

'1. Each transmission shall have a reference number making it possible unambiguously to identify the case to which it relates and the Member State making the request. That number must also make it possible to determine whether the transmission relates to a request for taking charge (type 1), a request for taking back (type 2), a request for information (type 3), an exchange of information on the child, sibling or parent of an applicant in a situation of dependency (type 4), an exchange of information on the family, sibling or relative of an unaccompanied minor (type 5), the transmission of information prior to a transfer (type 6) or the transmission of the common health certificate (type 7).';

(14) in Article 20(2), the second subparagraph is replaced by the following:

'If the request is based on data supplied by Eurodac, the Eurodac reference number of the requested Member State shall be included.';

(15) in Article 21, paragraph 3 is replaced by the following:

'3. If a National Access Point has sent data to a National Access Point that has experienced an interruption in its operation, the log of transmission at the level of the central communication infrastructure shall be used as proof of the date and time of transmission. The deadlines set by Regulation (EU) No 604/2013 for sending a request or a reply shall not be suspended for the duration of the interruption of the operation of the National Access Point in question.';

(16) Annexes are replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 January 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX I

STANDARD FORM FOR DETERMINING THE MEMBER STATE (1) RESPONSIBLE FOR EXAMINING AN APPLICATION FOR INTERNATIONAL PROTECTION

Request for taking charge presented on the basis of the following Article of Regulation (EU) No 604/2013:

Article 8 (unaccompanied minor): ☐
Article 9 (family member resident in the Member State as a beneficiary of international protection): ☐
Article 10 (family member applying for international protection in a Member State): ☐
Article 11 (keeping family groups together): ☐
Article 12(1) or (3) (valid residence document): ☐
Article 12(2) or (3) (valid visa): ☐
VIS No (where applicable) ..... ☐
Article 12(4) (residence document which expired less than two years previously or visa which expired less than six months previously): ☐
Article 13(1) (illegal entry at external frontier less than 12 months ago): ☐
Article 13(2) (residence of at least 5 months in the Member State): ☐
Article 14(1) (visa requirement waived for entry): ☐
Article 16 (keeping an applicant together with a dependent relative) ☐
Article 17(2) (sovereignty clause or humanitarian grounds): ☐

Eurodac data: ☐ Eurodac No: .....
Reply requested urgently: ☐ No later than: .....
Reason for urgency: Article 28 (detention) ☐ Article 21(2) (other reasons) ☐
.....
.....

Photo

File number

Personal particulars of applicant

1. Surname (*)	.....
Maiden name	.....
2. Forename(s)	.....
3. Does the applicant use/has he/she used other names?	☐ Yes ☐ No
What are/were they?	.....
4. Date of birth	.....
5. Place of birth	.....
District/region	.....
Country	.....
6. Nationality(ies) (indicate all)	
a) current	.....
b) previous	.....
c) none/stateless	.....
7. Sex	☐ Male ☐ Female
8. Name of father	.....
9. Name of mother	.....

(*) In block capitals.

10. Marital status ☐ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Cohabitee

11. Language(s) of origin .....

.....

Personal particulars of family members

12. *Spouse:* Surname (*), maiden name, forename(s), sex, date of birth, place of birth, place of residence (if the spouse is seeking international protection a separate form should be completed; in this case include the reference number of the other member of the couple on all forms).

.....

.....

.....

.....

Reference number of spouse (if necessary): .....

13. *Children:* Surname (*), forename(s), sex, date of birth, place of birth, place of residence (indicate all children; a separate form should be completed for children over 18 years of age if international protection is sought)

a) .....

b) .....

c) .....

d) .....

e) .....

14. Place and date of the application for international protection in the country of residence: .....

.....

Previous asylum procedures

15. Has the applicant ever previously applied for international protection or recognition of refugee or subsidiary protection status in the country of residence or in another country? ☐ Yes ☐ No

When and where? .....

Was any decision taken on the application? ☐ No ☐ Don't know ☐ Yes, application rejected

When was the decision taken? .....

Identity papers

16. National passport ☐ Yes ☐ No

Number .....

Issued on .....

By .....

Valid until .....

17. Document replacing passport ☐ Yes ☐ No

Number .....

Issued on .....

By .....

Valid until .....

18. Other document ☐ Yes ☐ No

Number .....

Issued on .....

By .....

Valid until .....

19. In the absence of documents: ☐ Left without documents ☐ Documents lost ☐ Documents stolen

(specify whether they may have contained a valid visa or residence permit and, if so, indicate the issuing authority and date of issue as well as the period of validity)

(When? where?

.....

.....)

☐ Other reasons

(Please specify .....)

Residence documents/visas

20. Does the applicant possess a residence document/visa for the country of residence? ☐ Yes ☐ No

Type of document ☐ Residence permit ☐ Entry visa ☐ Transit visa

Issued on .....

By .....

Valid until .....

21. Does the applicant possess a residence document/visa for another EU Member State? [2] ☐ Yes ☐ No

Which State? .....

Type of document ☐ Residence permit ☐ Entry visa ☐ Transit visa

Issued on .....

By .....

Valid until .....

Travel route

22. Country in which the journey was begun .....

(country of origin or of provenance) .....

— Route followed from country where journey was begun to point of entry into country in which international protection is requested .....

— Dates and times of travel .....

.....

.....

— Crossed border on .....

— At the authorised crossing point .....

or

— Avoided border controls (entered illegally) .....

— Means of transport used ☐ Public transport (what form? .....)

☐ Own vehicle

☐ Other means (how? .....)

23. Did the applicant enter via another European Union Member State? [3] ☐ Yes ☐ No

— Which was the first EU Member State entered? .....

— Crossed border at authorised crossing point, ...

or

— Avoided border controls at .....

— When? .....

Residence in another EU Member State [4]

24. Residence in another EU Member State or States after leaving country in which journey was begun (country of origin/provenance) ☐ Yes ☐ No

— In which State or States? .....

— From – to .....

— Place/exact address .....

— Residence was ☐ Authorised ☐ Unauthorised

— Period of validity of residence permit .....

— Purpose of residence .....

Particulars of family members living in EU Member States [5]	
25. a) Is any family member residing in a Member State?	☐ Yes ☐ No
— Name of family member	.....
— Date of birth	.....
— Marital status	☐ Single ☐ Married ☐ Widowed ☐ Divorced
— Relationship	☐ spouse ☐ father ☐ mother ☐ child ☐ brother ☐ sister ☐ guardian ☐ other (please specify) ....
— Member State	.....
— Address in that State	.....
— Residence status	☐ recognised beneficiary ☐ resident ☐ applicant ☐ illegal
b) Do any of those concerned object to the examination of the application in that Member State?	☐ Yes ☐ No
Other useful information	....

(1) *NB:* The words 'Member States' include Iceland, Norway, Switzerland and Liechtenstein.
(2) Including Iceland, Norway, Switzerland and Liechtenstein.
(3) Including Iceland, Norway, Switzerland and Liechtenstein.
(4) Including Iceland, Norway, Switzerland and Liechtenstein.
(5) Including Iceland, Norway, Switzerland and Liechtenstein.

ANNEX II

(References are to articles of Regulation (EU) No 604/2013)

LIST A

MEANS OF PROOF

I. Process of determining the State responsible for examining an application for international protection

1. Presence of a family member, relative or relation (father, mother, child, sibling, aunt, uncle, grandparent, adult responsible for a child, guardian) of an applicant who is an unaccompanied minor (Article 8)

Probative evidence

— written confirmation of the information by the other Member State;

— extracts from registers;

— residence permits issued to the family member;

— evidence that the persons are related, if available;

— failing this, and if necessary, a DNA or blood test.

2. Legal residence in a Member State of a family member recognised as beneficiary of international protection (Article 9)

Probative evidence

— written confirmation of the information by the other Member State;

— extracts from registers;

— residence permits issued to the individual with refugee or subsidiary protection status;

— evidence that the persons are related, if available;

— consent of the persons concerned.

3. Presence of a family member applying for international protection whose application has not yet been the subject of a first decision regarding the substance in a Member State (Article 10)

Probative evidence

— written confirmation of the information by the other Member State;

— extracts from registers;

— temporary residence authorisations issued to the individual while the application is being examined;

— evidence that the persons are related, if available;

— failing this, if necessary, a DNA or blood test;

— consent of the persons concerned.

4. Valid residence documents (Article 12(1) and (3) or residence documents which expired less than 2 years previously [and date of entry into force] (Article 12(4))

Probative evidence

— residence document;

— extracts from the register of aliens or similar registers;

— reports/confirmation of the information by the Member State which issued the residence document.

5. Valid visas (Article 12(2) and (3)) and visas which expired less than 6 months previously [and date of entry into force] (Article 12(4))

Probative evidence

— visa issued (valid or expired, as appropriate);

— extracts from the register of aliens or similar registers;

— positive match (hit) transmitted by the VIS in accordance with Article 21 of Regulation (EC) No 767/2008;

— reports/confirmation of the information by the Member State which issued the visa.

6. Legal entry into the territory at an external frontier (Article 14)

Probative evidence

— entry stamp in a passport;

— exit stamp from a country bordering on a Member State, bearing in mind the route taken by the applicant and the date the frontier was crossed;

— tickets conclusively establishing entry at an external frontier;

— entry stamp or similar endorsement in passport.

7. Illegal entry at an external frontier (Article 13(1))

Probative evidence

— positive match by Eurodac from a comparison of the fingerprints of the applicant with fingerprints taken pursuant to Article 14 of the "Eurodac" Regulation;

— entry stamp in a forged or falsified passport;

— exit stamp from a country bordering on a Member State, bearing in mind the route taken by the applicant and the date the frontier was crossed;

— tickets conclusively establishing entry at an external frontier;

— entry stamp or similar endorsement in passport.

8. Residence in a Member State for at least five months (Article 13(2))

Probative evidence

— residence authorisations issued while the application for a residence permit is being examined;

— requests to leave the territory or expulsion order issued on dates at least five months apart or that have not been enforced;

— extracts from the records of hospitals, prisons, detention centres.

9. Departure from the territory of the Member States (Article 19(2))

Probative evidence

— exit stamp;

— extracts from third-country registers (substantiating residence);

— tickets conclusively establishing departure from or entry at an external frontier;

— report/confirmation by the Member State from which the applicant left the territory of the Member States;

— stamp of third country bordering on a Member State, bearing in mind the route taken by the applicant and the date the frontier was crossed.

II. Obligation on the Member State responsible for examining the application to re-admit or take back the applicant

1. Process of determining the Member State responsible is under way in the Member State where the application was lodged (Article 20(5))

Probative evidence

— positive match by Eurodac from a comparison of the fingerprints of the applicant with fingerprints taken pursuant to Article 9 of the "Eurodac" Regulation;

— form submitted by the applicant;

— official report drawn up by the authorities;

— fingerprints taken in connection with an application;

— extracts from relevant registers and files;

— written report by the authorities attesting that an application has been made.

2. Application is under examination or was lodged previously (Article 18(1)(b)(c) and (d))

Probative evidence

— positive match by Eurodac from a comparison of the fingerprints of the applicant with fingerprints taken pursuant to Article 9 of the "Eurodac" Regulation;

— form submitted by the applicant;

— official report drawn up by the authorities;

— fingerprints taken in connection with an application;

— extracts from relevant registers and files;

— written report by the authorities attesting that an application has been made.

3. Departure from the territory of the Member States (Articles 20(5) and 19(2))

Probative evidence

— exit stamp;

— extracts from third-country registers (substantiating residence);

— exit stamp from a third country bordering on a Member State, bearing in mind the route taken by the applicant and the date on which the frontier was crossed;

— written proof from the authorities that the alien has actually been expelled.

4. Expulsion from the territory of the Member States (Article 19(3))

Probative evidence

— written proof from the authorities that the alien has actually been expelled;

— exit stamp;

— confirmation of the information regarding expulsion by the third country.

LIST B

CIRCUMSTANTIAL EVIDENCE

I. Process of determining the State responsible for examining an application for international protection

1. Presence of a family member (father, mother, guardian) of an applicant who is an unaccompanied minor (Article 8)

Indicative evidence [1]

— verifiable information from the applicant;

— statements by the family members concerned;

— reports/confirmation of the information by an international organisation, such as UNHCR.

[1] This indicative evidence must always be followed by an item of probative evidence as defined in list A.

2. Legal residence in a Member State of a family member recognised as having refugee or international protection status (Article 9)

Indicative evidence

— verifiable information from the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR.

3. Presence of a family member applying for international protection whose application has not yet been the subject of a first decision regarding the substance in a Member State (Article 10)

Indicative evidence

— verifiable information from the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR.

4. Valid residence documents (Article 12(1) and (3)) or residence documents which expired less than 2 years previously [and date of entry into force] (Article 12(4))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by the Member State which did not issue the residence permit;

— reports/confirmation of the information by family members, travelling companions, etc.;

5. Valid visas (Article 12(2) and (3)) and visas which expired less than 6 months previously [and date of entry into force] (Article 12(4))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by the Member State which did not issue the residence permit;

— reports/confirmation of the information by family members, travelling companions, etc.;

6. Legal entry into the territory at an external frontier (Article 14)

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by another Member State or third country;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints, except in cases where the authorities decided to take fingerprints when the alien crossed the external frontier.

In such cases, they constitute probative evidence as defined in list A;

— tickets;

— hotel bills;

— entry cards for public or private institutions in the Member States;

— appointment cards for doctors, dentists, etc.;

— information showing that the applicant has used the services of a travel agency;

— other circumstantial evidence of the same kind.

7. Illegal entry into the territory at an external frontier (Article 13(1))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by another Member State or third country;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints, except in cases where the authorities decided to take fingerprints when the alien crossed the external frontier.

In such cases, they constitute probative evidence as defined in list A;

— tickets;

— hotel bills;

— entry cards for public or private institutions in the Member States;

— appointment cards for doctors, dentists, etc.;

— information showing that the applicant has used the services of a courier or a travel agency;

— other circumstantial evidence of the same kind.

8. Residence in a Member State for at least five months (Article 13(2))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by a non-governmental organisation, such as an organisation providing accommodation for those in need;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints;

— tickets;

— hotel bills;

— entry cards for public or private institutions in the Member States;

— appointment cards for doctors, dentists, etc.;

— information showing that the applicant has used the services of a courier or a travel agency;

— other circumstantial evidence of the same kind.

9. Departure from the territory of the Member States (Article 19(2))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by another Member State;

— re Article (19(2)): exit stamp where the applicant concerned has left the territory of the Member States for a period of at least 3 months;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints, except in cases where the authorities decided to take fingerprints when the alien crossed the external frontier.

In such cases, they constitute probative evidence as defined in list A;

— tickets;

— hotel bills;

— appointment cards for doctors, dentists, etc. in a third country;

— information showing that the applicant has used the services of a courier or a travel agency;

— other circumstantial evidence of the same kind.

II. Obligation on the Member State responsible for examining the application for international protection to re-admit or take back the applicant

1. Process of determining the Member State responsible is under way in the Member State where the application was lodged (Article 20(5))

Indicative evidence

— verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by family members, travelling companions, etc.;

— reports/confirmation of the information by another Member State.

2. Application for international protection is under examination or was lodged previously (Article 18(1)(b)(c)(d))

Indicative evidence

— verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by another Member State.

3. Departure from the territory of the Member States (Articles 20(5) and 19(2))

Indicative evidence

— detailed and verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— reports/confirmation of the information by another Member State;

— exit stamp where the applicant concerned has left the territory of the Member States for a period of at least three months;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints, except in cases where the authorities decided to take fingerprints when the alien crossed the external frontier.

In such cases, they constitute probative evidence as defined in list A;

— tickets;

— hotel bills;

— appointment cards for doctors, dentists, etc. in a third country;

— information showing that the applicant has used the services of a courier or a travel agency;

— other circumstantial evidence of the same kind.

4. Expulsion from the territory of the Member States (Article 19(3))

Indicative evidence

— verifiable statements by the applicant;

— reports/confirmation of the information by an international organisation, such as UNHCR;

— exit stamp where the applicant concerned has left the territory of the Member States for a period of at least three months;

— reports/confirmation of the information by family members, travelling companions, etc.;

— fingerprints, except in cases where the authorities decided to take fingerprints when the alien crossed the external frontier.

In such cases, they constitute probative evidence as defined in list A;

— tickets;

— hotel bills;

— appointment cards for doctors, dentists, etc.;

— information showing that the applicant has used the services of a courier or a travel agency;

— other circumstantial evidence of the same kind.

ANNEX III

STANDARD FORM FOR REQUEST FOR TAKING BACK

Request for taking back presented on the basis of the following Article of Regulation (EU) No 604/2013:

Article 20(5) (process of determining the Member State responsible is under way in the Member State where the application was lodged): ☐

Article 18(1)(b) (applicant made an application in another Member State or is in another Member State without a residence document, while application is under examination in the Member State responsible): ☐

Article 18(1)(c) (third country national or stateless person has made an application or is in another Member State without a residence document after withdrawing his/her application in the Member State responsible): ☐

Article 18(1)(d) (third country national or stateless person has made an application or is in the Member State without a residence document and his application has been rejected in the Member State responsible): ☐

Eurodac data: ☐ Eurodac No: .....

Reply requested urgently: ☐ No later than: .....

Reason for urgency: .....

.....

Photo

File number

Personal particulars of applicant

1. Surname (*)	.....
Maiden name	.....
2. Forename(s)	.....
3. Does the applicant use/has he/she used other names?	☐ Yes ☐ No
What are/were they?	.....
4. Date of birth	.....
5. Place of birth	.....
District/region	.....
Country	.....
6. Nationality(ies)	
(indicate all)	
a) current	.....
b) previous	.....
c) none/stateless	.....
7. Sex	☐ Male ☐ Female
8. Name of father	.....
9. Name of mother	.....
10. Marital status	☐ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Cohabitee

(*) In block capitals

11. Date of the application in the requesting country, of the Eurodac hit, or on which the requesting Member State became aware that the requested Member State may be responsible for the person concerned, as applicable	
Previous procedures	
12. Has the applicant ever previously applied for international protection or recognition of refugee status in the country of residence or in another country?	☐ Yes ☐ No
When and where?	.....
	.....
Was any decision taken on the application?	☐ No ☐ Don't know ☐ Yes, application rejected
When was the decision taken	.....
	.....
13. Does the applicant state that he left the territory of the Member States?	☐ Yes ☐ No
If yes:	Date of departure: .....
	Date of return: .....
Which country(ies) did he go to?	.....
Travel route:	.....
	.....
	.....
14. Documents submitted by the applicant	
Please enclose a list:	.....
	.....
	.....
	.....
	.....
	.....

Other useful information:

ANNEX IV

Specimen laissez-passer for transfer of applicants for international protection

LAISSEZ-PASSER

Reference No (*):

Issued pursuant to Article 29(1) of Regulation (EU) No 604/2013 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 (1) by a third-country national or stateless person.

Valid only for transfer from ..... (2) to ..... (3), with the applicant required to present him/herself at ..... (4) by ..... (5)

Issued at: .....

SURNAME: .....

FORENAMES: .....

PLACE AND DATE OF BIRTH: .....

NATIONALITY: .....

Date of issue .....

Photo

For the Ministry for the Interior: .....

SEAL

The bearer of this laissez-passer has been identified by the authorities ..... (6) (7).

This document is issued pursuant to Article 29(1) of Regulation (EU) No 604/2013 only and cannot under any circumstances be regarded as equivalent to a travel document permitting the external frontier to be crossed or to a document proving the individual's identity.

(*) Reference number to be given by the country from which the transfer takes place.
(1) *NB:* The words 'Member States' include Iceland, Norway, Switzerland and Liechtenstein.
(2) Member State from which transferred.
(3) Member State to which transferred.
(4) Place where the applicant has to present him/herself upon arrival in the Member State responsible.
(5) Deadline by which the applicant has to present him/herself upon arrival in the Member State responsible.
(6) On the basis of the following travel or identity documents presented to the authorities.
(7) On the basis of a statement by the asylum applicant or of documents other than a travel or identity document.

ANNEX V

REQUEST FOR INFORMATION PURSUANT TO ARTICLE 34 OF REGULATION (EU) No 604/2013

Date: ___ / ___ /____

Reference No: .....

Individual concerned:

— Surname: .....

— Forename: .....

— Date of birth: .....

— Place of birth: .....

— Nationality: .....

Indicative evidence enclosed: Yes: ☐ No: ☐

(please specify)

.....

.....

This request for information concerns:

residence document:	☐	appeal:	☐
travel document:	☐	decision:	☐
visa:	☐	expulsion:	☐
application for international protection:	☐	other:	☐

Details: .....

.....

.....

.....

.....

.....

ANNEX VI

STANDARD FORM FOR THE TRANSFER OF DATA PRIOR TO A TRANSFER PURSUANT TO ARTICLE 31(4) OF REGULATION (EU) No 604/2013

Date (DD/MM/YY):

Transferring Member State:

Ref. number in the transferring Member State:

Responsible Member State:

Ref. number in the responsible Member State:

Data identifying the person to be transferred:

Family name: (if different in the responsible Member State please specify)

First name: (if different in the responsible Member State please specify)

Alias: (if different in the responsible Member State please specify)

Date and place of birth:

Nationality(ies):

Sex: M/F

Timeframe regarding the transfer:

☐ Within six months of acceptance of the request;

☐ Within six months of a decision on an appeal with suspensive effect; please indicate the date when the final decision on appeal or review was issued

☐ Within one year of acceptance of the request, due to imprisonment of the person;

☐ Within 18 months of acceptance of the request, due to absconding of the person.

Data regarding the transfer:

Type of transfer:

— Voluntary transfer ☐

— By supervised departure ☐

— Under escort ☐; if possible, please provide details of the escort (name, function etc.)

Proposed date of the transfer (DD/MM/YY):

Means used to transfer the person to the responsible Member State:

— By car ☐ (please provide specific details)

— By train ☐ (please provide specific details)

— By plane ☐ (please provide specific details)

— Other ☐ (please mention which and provide specific details)

Location on the territory ([1]) of the responsible Member State where the person will be reporting to or handed over to the authorities:

([1]) The expression "on the territory" covers both border points and internal territory, and both situations of escorted transfers (which may be limited to the border point) and situations of voluntary transfers (where the person is reporting to the asylum authorities inside the territory as well). The rules on the division of costs between the sending and receiving Member States are those stipulated in Regulation (EU) No 604/2013, Article 30.

Foreseen date and time of arrival in the responsible Member State:

The person to be transferred will be in possession of:

☐ a laissez-passer;

☐ other travel document; please indicate type and reference number

Documents the person will be carrying:

Other data regarding the person to be transferred:

Where the person travels with family:

☐ Spouse; please provide name, age and reference numbers, if applicable

☐ Children; please provide name, age and reference numbers, if applicable

☐ Any other relative; please specify the relation, and provide the name, age and reference numbers, if applicable

Assistance needed upon arrival, other than health-related:

Contact details of family members, relatives and other family relations in the responsible Member State:

Languages spoken by the person(s) transferred:

If accompanying minors, provide, where possible, information on the level of education of the minors:

Health condition of the person(s) to be transferred:

☐ All persons to be transferred appear fit to travel;

☐ One or more persons to be transferred has/have health related concerns; in this case, please provide the name(s) and reference numbers of that/those person(s) and specify if corresponding health certificate(s) is/are attached:

- ☐ yes;
- ☐ no, the person is physically or legally incapable of giving consent and no vital interests of the applicant or of another person can be affected;
- ☐ no, the person refused to consent to transmitting his/her health data.

Any other relevant information on the person(s) to be transferred:

ANNEX VII

STANDARD FORM FOR EXCHANGE OF INFORMATION ON THE CHILD, SIBLING OR PARENT OF AN APPLICANT IN SITUATIONS OF DEPENDENCY PURSUANT TO ARTICLE 16(4) OF REGULATION (EU) No 604/2013

PART A

DATA TO BE FILLED BY THE REQUESTING MEMBER STATE

Date (DD/MM/YY): Ref. number:

Requesting Member State:

Requested Member State(s):

Data regarding the applicant:

Family name:

First name:

Date and place of birth (declared ☐ or documented ☐ by the applicant):

In the absence of that, age declared by the applicant:

Nationality(ies):

Sex: M/F

Proposed date for receiving a reply:

Information allowing to identify and locate the person possibly found on the territory of the requested Member State:

— presumed relationship with the applicant:

☐ child

☐ sibling

☐ parent

— personal details of the child, sibling or parent:

Family name:

First name:

Date and place of birth:

Nationality(ies) (present and former):

Sex: M ☐/F ☐

Address in the requested Member State:

Please attach any photographic evidence which might be helpful in identifying the child, sibling or parent.

☐ Photographic evidence annexed (if any).

— claimed relationship of dependence:

☐ the applicant claims to be dependent on the person;

☐ the person claims to be dependent on the applicant.

— type of dependence:

☐ pregnancy

☐ new-born child

☐ serious illness

☐ severe disability

☐ old age

Any other comments:

PART B

DATA TO BE FILLED BY THE REQUESTED MEMBER STATE

Ref. number:

Information requested:

✓ Concerning the presence of the person on the territory of the requested Member State, please specify:

☐ Person was not found;

— If the person mentioned above is legally resident in the requested Member State:

☐ Yes

☐ No

☐ in an on-going procedure for obtaining legal residence (additional information:)

☐ Any other situation (please mention which):

✓ Where the person was identified and/or located, please provide:

— First name:

— Family name:

— Date and place of birth:

— Nationality:

— Contact details: address, telephone number, etc.:

Any other information enabling to identify or locate the person (photographs, statements, administrative information, etc.)

In situations where a child, sibling or parent is (are) identified as legally resident(s) in the requested Member State:

✓ Declared relationship with the applicant:

— Please specify, following inquiry, the presumed nature of the relationship of the person identified with the applicant:

— Please provide information on the type of data used to establish the relation (e.g. administrative certificates or other types of official documents found in the possession of the person)

✓ Where applicable, presumed capacity of the person to take care of the applicant:

☐ The person does not seem capable of taking care of the applicant

☐ The person seems capable of taking care of the applicant

In the latter case, please provide preliminary information concerning any or all of the following aspects:

☐ Basic evidence of material capacity to take care of the applicant (financial information, employment information, social security information, etc.) — please attach documentation;

☐ Evidence of capacity to take care of the applicant (the person expresses desire in writing to take care of the applicant, the person seems socially and psychologically appropriate to take care of the applicant, the person already took care of the applicant in the past, etc.) — please attach written consent.

✓ If applicable, name and contact details of public authority, representative services, NGO or IGO who were involved in identifying and locating the person, assessing the degree of relationship or in evaluating the capacity to take care of the applicant and that could be contacted by medical/social services in the requesting Member State

Any other comments:

ANNEX VIII

STANDARD FORM FOR THE EXCHANGE OF INFORMATION ON THE FAMILY, SIBLINGS OR RELATIVES OF AN UNACCOMPANIED CHILD IN A DUBLIN PROCEDURE PURSUANT TO ARTICLE 6(5) OF REGULATION (EU) No 604/2013

PART A

DATA TO BE FILLED BY THE REQUESTING MEMBER STATE

Date (DD/MM/YY): Ref. number:

Requesting Member State:

Requested Member State(s):

Data regarding the child:

Family name:

First name:

Date of birth as documented:

In the absence of that, age declared by the child:

Place of birth:

Age assessment made by the requesting MS:

☐ Yes; please specify the method used for the assessment and the result;

☐ No

Nationality(ies) or country of habitual residence, if considered stateless:

Sex: M ☐/F ☐

Proposed date for receiving a reply ([1]):

Reasons for the request for information (please tick any of the following boxes, as appropriate):

☐ Information provided by the child: (please indicate briefly the content of the information helpful for the identification of the parent, sibling or relative)

☐ The views of the child, [with regard to future care], in line with Article 6 of the Regulation

☐ Information provided by another person traveling with the child: (please indicate the nature of the relation of this person to the child and briefly describe the content of the information helpful for the identification of the parent, sibling or relative);

☐ Information provided through the representative: (please indicate briefly the content of the information helpful for the identification of the parent, sibling or relative);

☐ Information provided via child protection channels/Red Cross/UNHCR/ICRC/other NGO or IGO: (please indicate which organisation and briefly describe the content of the information helpful for the identification of the parent, sibling or relative).

Concerning the identity of the following person possibly found on the territory of the requested Member State:

Family name:

First name:

Nationality(ies)

Sex: M ☐/F ☐

Contact details, if known (address, telephone number, as applicable):

Any other information allowing to locate the person in the requested Member State:

([1]) The four weeks proposed deadline will be included in the relevant article of the implementing regulation.

Presumed relationship with the child:

☐ parent

☐ adult responsible

☐ sibling

☐ aunt/uncle

☐ grandparent

☐ any other family relation, not defined by the Regulation (please specify:)

Please attach any photographic evidence provided, which might be helpful in identifying the person concerned.

☐ Photographic evidence annexed

Any other comments:

PART B

DATA TO BE FILLED BY THE REQUESTED MEMBER STATE

Ref. number:

✓ Concerning the presence of the person on the territory of the requested Member State, please specify:

☐ Person was not found;

☐ Person was found; in this case, please provide:

Family name:

First name:

Date and place of birth:

Nationality:

Contact details, if known (address, telephone number, as applicable):

Any other information locating the person:

— If the person mentioned above is legally present on the territory of the requested Member State:

☐ Yes

☐ No

☐ in an on-going procedure for obtaining legal residence (additional information:)

☐ Any other situation (please mention which):

— If "yes", under which status (please tick one or more of the following boxes, as applicable):

☐ applicant for international protection

☐ beneficiary of international protection

☐ with short term visa

☐ with residence permit or long stay visa

☐ in a procedure for obtaining a residence permit

☐ In prison (please specify the reason for this, the start of and length of imprisonment)

☐ any other legal status (please specify)

— If the person is present on the territory of the requested Member State with an irregular status:

☐ In a return procedure

☐ In prison (please specify the reason, the start of and length of imprisonment)

☐ In detention (please specify the start of and length of detention period)

☐ Any other situation (please mention which):

— If the person is no longer present on the territory of the requested Member State:

☐ Date of departure

(please provide date of return DD/MM/YY)

☐ Person absconded

(please provide approximate date of absconding DD/MM/YY)

☐ Any other situation (please specify)

— If possible, in case whereabouts of the person are known, please provide contact details: address, telephone number, etc.

— Any other information enabling to identify or locate the person (photographs, statements, administrative information, etc.)

— If the requested Member State is or has been aware of the presence of family members or relatives, but no longer is aware of its whereabouts, please specify the circumstances of this presence

In situations where the person/persons mentioned above is/are present on the territory of the requested Member State:

✓ Relationship of the person with the child:

— Please specify, following inquiry, the presumed nature of the relationship of the person identified with the child:

— Please provide information on the type of data used to establish the relation (e.g. administrative certificates or other types of official documents found in the possession of the person)

✓ Presumed capacity of the person to take care of the child:

☐ The person does not seem capable of taking care of the child

☐ The person seems capable of taking care of the child

In the latter case, please provide preliminary indication concerning any or all of the following aspects:

☐ Material evidence of capacity to take care of the child (financial information, employment information, social security information, etc.)

☐ Evidence of capacity to take care of the child (the person wishes to take care of the child, the person seems socially and psychologically apt to take care of the child, the person already took care of the child in the past, etc.)

✓ If applicable, name and contact details of public authority, representative services, NGO or IGO who were involved in identifying and locating the person, assessing the degree of relationship or in evaluating the capacity to take care of the child and that could be contacted by similar services in the requesting Member State

Any other comments or relevant information:

Attachments (where appropriate):

ANNEX IX

STANDARD FORM FOR EXCHANGE OF HEALTH DATA PRIOR TO A DUBLIN TRANSFER PURSUANT TO ARTICLE 32(1) OF REGULATION (EU) No 604/2013

(Common health certificate)

Date (DD/MM/YY):

Transferring Member State:

Ref. number in the transferring Member State:

Responsible Member State:

Ref. number in the responsible Member State:

Data identifying the person transferred:

Family name:

First name:

Date and place of birth:

Nationality(ies):

Sex: M ☐/F ☐

Information regarding the transfer:

Type of transfer:

☐ Voluntary transfer;

☐ By supervised departure;

☐ Under escort.

Means used to transfer the person to the responsible Member State:

☐ By car

☐ By train

☐ By plane

☐ Other (please mention which and provide specific details)

I. **Information provided by the transferring Member State**

General evaluation of the person's health:

☐ Disabled

☐ Elderly

☐ Pregnant

☐ Minor

☐ Victim of torture or other form of physical violence

☐ Victim of rape or other form of sexual violence

☐ Victim of psychological violence

☐ Suffering from a psychiatric condition

☐ Suffering from any other condition that requires medical help

Please specify whether the evaluation was based on the person's self-assessment or provided by a medical staff:

Medical diagnosis (if applicable):

If applicable, specify the treatment: and medication used

Duration of treatment (where known): from ; to

Specify whether treatment needs to continue upon arrival in the responsible Member State: until

Type of medical follow-up needed in the future (if known and considered necessary)

II. **Information relevant during the transfer**

The person is accompanied/assisted during the transfer:

☐ By medical doctor

☐ By medical assistant

☐ By a security personnel

☐ Unaccompanied

If the person is accompanied, please provide details on the accompanying staff:

Medical intervention/assistance required during the transfer:

— ☐ Yes which:

— ☐ No

If the person is subject to medication which might influence/alter the state of the person during transfer:

— ☐ Yes which:

— ☐ No

Special needs during the transfer:

III. **Considerations to be taken into account upon arrival**

Medical assistance or assistance for special needs required upon arrival:

— ☐ Yes, which: ;

— ☐ No

IV. **Explicit consent of the person transferred or of his/her representative for the transmission of the health information:**

☐ Yes, by person concerned

☐ Yes, by representative of the person concerned

☐ The person is physically incapable of giving consent; please specify, in line with Article 32(2) of Regulation (EU) No 604/2013, which vital interests could be affected

☐ The person is legally incapable of giving consent; please specify, in line with Article 32(2) of Regulation (EU) No 604/2013, which vital interests could be affected

Any other comments:

ANNEX X

PART A

INFORMATION ABOUT THE DUBLIN REGULATION FOR APPLICANTS FOR INTERNATIONAL PROTECTION PURSUANT TO ARTICLE 4 OF REGULATION (EU) No 604/2013 [1]

You have asked us to protect you because you consider that you have been forced to leave your own country due to persecution, war or risk of serious harm. The law calls this an "application/request for international protection" and you – an "applicant". People seeking protection are often referred to as "asylum seekers".

The fact that you asked for asylum here does not guarantee that we will examine your request here. The country that will examine your request is determined through a process established by a European Union law known as the "Dublin" Regulation. According to this law, only one country is responsible for examining your request.

This law is applied throughout a geographical region which includes 32 countries [2]. For the purpose of this leaflet, we are calling these 32 countries "Dublin countries".

If there is anything in this leaflet that you do not understand, please ask our authorities.

Before your request for asylum can be considered, we need to establish whether we are responsible to examine it or whether another country is responsible – we call this a "Dublin procedure". The Dublin procedure will not concern your reason for applying for asylum. It will only deal with the question of which country is responsible for making a decision on your application for asylum.

— **How long will it take to decide which country will consider my application?**

— **How long will it be before my application is examined?**

If our authorities decide that we are responsible for deciding on your application for asylum, this means that you may remain in this country and have your application examined here. The process of examining your application will then start immediately.

If we decide that another country is responsible for your application, we will seek to send you to that country as soon as possible so that your application can be considered there. The entire duration of the Dublin procedure, until you are transferred to that country **may, under normal circumstances, take up to 11 months**. Your asylum request will then be examined in the responsible country. This time frame could be different if you hide from the authorities, are imprisoned or detained, or if you appeal the transfer decision. If you are in one of these situations, you will receive specific information, informing you about which time frame applies to you. If you are detained, you will be informed of the reasons for detention and the legal remedies available to you.

— **How is the country responsible for my application decided?**

The law sets out various reasons why a country may be responsible for examining your request. These reasons are considered in the order of importance by the law, starting from whether you have a family member present in that Dublin country; whether you now or in the past have had a visa or a residence permit issued by a Dublin country; or whether you have travelled to, or through, another Dublin country, either legally or irregularly.

It is important that you inform us as soon as possible if you have family members in another Dublin country. If your husband, wife or child is an applicant for asylum or has been granted international protection in another Dublin country, that country could be responsible for examining your asylum application.

We may decide to examine your application in this country, even if such examination is not our responsibility under the criteria laid down in the Dublin Regulation. We will not send you to a country where it is established that your human rights could be violated.

— **What if I don't want to go to another country?**

You have the possibility to say that you disagree with a decision to be sent to another Dublin country, and may challenge that decision in front of a court or tribunal. You can also ask to remain in this country until your appeal or review is decided.

---

[1] The present leaflet is for information purposes only. Its aim is to provide applicants for international protection with the relevant information with respect to the Dublin procedure. It does not create/entail in itself rights or legal obligations. The rights and obligations of States and persons under the Dublin procedure are such as set out in Regulation (EU) No 604/2013.

[2] The Dublin countries include the 28 European Union countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) as well as 4 countries "associated" to the Dublin Regulation (Norway, Iceland, Switzerland and Liechtenstein).

If you abandon your application for asylum and you move to another Dublin country, you are likely to be transferred back to this country or to the country responsible.

It is therefore important that once you apply for asylum, you stay here until we decide 1) who is responsible for the examination of your asylum request and/or 2) to examine your asylum request in this country.

Please be aware that if we consider that you are likely to try to run away or hide from us because you do not want us to send you to another country, you may be put in detention (a closed centre). If so, you will have the right to a legal representative and will be informed by us of your other rights, including the right to appeal against your detention.

— **Why am I being asked to have my fingerprints taken?**

When you lodge a request for asylum, if you are 14 years of age or older, your fingerprints will be taken and transmitted to a fingerprint database called "Eurodac". **You must cooperate with this procedure – you are obliged by law to have your fingerprints taken.**

If your fingerprints are not of a good quality, including if you have deliberately damaged your fingers, the fingerprints will be taken again in the future.

Your fingerprints will be checked within Eurodac to see if you have ever applied for asylum before or to see if you were previously fingerprinted at a border. This helps to determine which Dublin country is responsible for the examination of your asylum request.

Your fingerprints may also be checked against the Visa Information System (VIS), which is a database that contains information relating to visas granted within the Schengen area. If you have a current or previous visa for another Dublin country, you may be sent there for consideration of your request for international protection.

As you have made an application for asylum, your fingerprint data will be stored by Eurodac for 10 years – after 10 years, they will be deleted automatically from Eurodac. If you are successful with your request for asylum, your fingerprints will remain in the database until they are automatically deleted. If you become a citizen of a Dublin country, your fingerprints will be deleted at that point. Your fingerprints and your gender will be stored in Eurodac – your name, photograph, date of birth and nationality are not sent to the Eurodac database, but they may be stored in a national database.

You may at any time in the future ask us for the data relating to you that we have recorded in Eurodac. If you think the data are inaccurate or should not be stored, you may request that they be corrected or erased. **Information about the authorities responsible for handling (or controlling) your data in this country and the relevant authorities responsible for supervising data protection can be found below.**

Eurodac is operated by an Agency of the European Union called eu-LISA. Your data can only be used for the purposes defined by law. Only the Eurodac Central System will receive your data. If you request asylum in the future in another Dublin country, your fingerprints will be sent to that country for verification. The data stored in Eurodac will not be shared with any other country or organisation outside the Dublin countries.

As of 20 July 2015, your fingerprints may be searched by authorities such as the police and the European police office (Europol) who may request access to the Eurodac database for the purpose of preventing, detecting and investigating serious crimes and terrorism.

What are my rights during the period that the country responsible for my asylum request is decided?

You have the right to remain in this country if we are responsible for examining your asylum request, or, where another country is responsible, until you are transferred there. If this country is responsible for examining your asylum request, you have the right to remain here at least until a first decision is taken on your asylum application. You are also entitled to benefit from material reception conditions, e.g. accommodation, food etc., as well as basic medical care and emergency medical assistance. You will be given the opportunity to provide us with information about your situation and the presence of family members on the territory of the Dublin countries orally and/or in writing and, when doing so, to use your mother tongue or another language that you speak well (or to have an interpreter, if needed). You will also receive a written copy of the decision to transfer you to another country. You are also entitled to contact us for more information and/or to contact the office of the United Nations High Commissioner for Refugees (UNHCR) in this country.

If we consider that another country could be responsible for examining your application, you will receive more detailed information about that procedure and how it affects you and your rights. [1]

[1] The information provided is that foreseen under Part B of the present Annex.

Contact information, in particular: (*Fill in with Member State-specific information*)

— Address and contact details of the asylum authority;

— Details of the National Supervisory Authority;

— Identity of the Eurodac controller and of his/her representative;

— Contact details of the office of the controller;

— Contact details of the local UNHCR office (if present);

— Contact details of the legal aid providers/refugee supporting organisations;

— Contact details of IOM.

PART B

THE DUBLIN PROCEDURE — INFORMATION FOR APPLICANTS FOR INTERNATIONAL PROTECTION FOUND IN A DUBLIN PROCEDURE, PURSUANT TO ARTICLE 4 OF REGULATION (EU) No 604/2013 ([1])

You have been given this leaflet because you requested international protection (asylum) in this country or in another Dublin country and the authorities here have reasons to believe that another country might be responsible for examining your request.

We will determine which country is responsible through a process established by a European Union law known as the "Dublin" Regulation. This process is called the "Dublin procedure". This leaflet seeks to answer the most frequent questions you might have about this procedure.

If there is anything written here that you do not understand, please ask the authorities.

Why am I in the Dublin procedure?

The Dublin Regulation applies throughout a geographical region which includes 32 countries. **The "Dublin countries" are:** Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) as well as to the 4 countries "associated" to the Dublin system (Norway, Iceland, Switzerland and Liechtenstein).

The Dublin procedure establishes which single country is responsible for examining your application for asylum. This means you may be transferred from this country to a different country that is responsible for examining your application.

The Dublin procedure has two purposes:

— to guarantee that your application for asylum will reach the authority of the country responsible for examining it;

— to ensure that you do not make multiple applications for asylum in several countries with the aim of extending your stay in the Dublin countries.

Until it has been decided which country is responsible for deciding on your application, the authorities here will not consider the detail of your application.

REMEMBER: You are not supposed to move to another Dublin country. If you move to another Dublin country, you will be transferred back here or to a country where you previously asked for asylum. Abandoning your application here will not change the responsible country. If you hide or run away, you also risk being detained.

If you were present in the past in one of the Dublin countries and since then you left the region of Dublin countries before you came to this country, you must tell us. This is important because it may influence which country is responsible for examining your application. You may be asked to provide evidence of your time spent outside the Dublin countries, for example a stamp in your passport, a return or removal decision or official papers showing that you lived or worked outside the Dublin countries.

What information should I make sure that the authorities know? How can I explain this information to the authorities?

It is likely that you will be interviewed in order to be able to determine which country is responsible for examining your request for asylum. At this interview, we will explain the "Dublin procedure". You should provide us all the information

([1]) The present leaflet is for information purposes only. Its aim is to provide applicants for international protection with the relevant information with respect to the Dublin procedure. It does not create/entail in itself rights or legal obligations. The rights and obligations of States and persons under the Dublin procedure are such as set out in Regulation (EU) No 604/2013.

you have about the presence of any family members or relatives in any one of the Dublin countries, as well as any other information which you think could be relevant for establishing the responsible country (see below for a detailed indication of which information is relevant). You should also provide any documents or papers in your possession that contain relevant information.

Please tell us all relevant information to help determine which country is responsible for examining your application.

The interview will take place in a language that you understand or are supposed to reasonably understand and be able to communicate in.

You can ask for an interpreter to help you communicate if you are not able to understand the language used. The interpreter must only interpret what you and the interviewer are saying. The interpreter must not add his or her personal views. If you have difficulty understanding the interpreter, you must tell us and/or speak to your lawyer.

The interview will be confidential. This means that none of the information that you provide, including the fact that you have applied for asylum, will be sent to persons or authorities in your country of origin who may harm in any way you, or your family members who are still in your country of origin.

You can only be denied the right to an interview if you have already provided this information by other means, after you have been informed about the Dublin procedure and of its consequences for your situation. If you are not interviewed, you can ask to provide additional written information relevant for deciding the country responsible.

How will the authorities establish the country responsible for examining my application?

There are various reasons why a country may be responsible for examining your application. These reasons are applied in an order of importance given by the law. If one reason is not relevant, the next will be considered, and so on.

The reasons relate to the following factors, in order of importance:

— you have a family member (husband or wife, children under the age of 18) who has been granted international protection or who is an asylum seeker in another Dublin country;

It is therefore important that you inform us if you have family members in another Dublin country, before a first decision is made on your asylum request. If you want to be brought together in the same country, you and your family member will have to express your desire in writing.

— you were previously issued a visa or a residence permit by another Dublin country;

— your fingerprints were taken in another Dublin country (and stored in a European database called Eurodac ([1]));

— there is evidence that you have been to, or travelled through, another Dublin country, even if you did not have your fingerprints taken there.

What if I depend on someone's care or somebody depends on me?

You could be re-united in the same country as your **mother, father, child, brother or sister** if all of the following conditions apply:

— they are legally resident in one of the Dublin countries;

— one of you is pregnant, or has a new-born child, or is seriously ill, or has a severe disability or is old;

— one of you depends on the assistance of the other, who is able to take care of him or her.

The country where your child, sibling or parent is resident should normally accept responsibility for examining your application, provided that your family ties existed in your country of origin. You will also be asked to indicate in writing that you both wish to be re-united.

You can ask for this possibility if you are already present in the country where your child, sibling or parent is present, or if you are in a different country to the one where you relatives are resident. In this second case, it will mean that you will have to travel to that country, unless you have a health condition that prevents you from travelling for a long period of time.

In addition to this possibility, you can always ask during the asylum procedure to join a family relation for humanitarian, family or cultural reasons. If this is accepted, you may have to move to the country where your family relation is present. In such a case you would also be asked to give your agreement in writing. It is important that you inform us of any humanitarian reasons for having your request examined here or in a different country.

([1]) More information on Eurodac is given in Part A, in section "*Why am I being asked to have my fingerprints taken?*".

Where relationships, dependency or humanitarian issues are raised you may be asked to provide explanation or proof to support your claims.

What if I am ill or have any special needs?

In order to provide you with appropriate medical care or treatment, the authorities here need to know of any special need you may have, including about your health, and in particular if you:

— are a disabled person,

— are pregnant,

— have a serious illness,

— have been subject to torture, rape or other serious forms of psychological, physical and sexual violence.

If you tell us your medical details and it is decided that you will be sent to a different country, we will ask your permission to share your medical information with the country to which you are being sent. If you do not agree to this, this will prevent the medical information from being sent, but it will not prevent your transfer to the responsible country. Bear in mind that if you do not agree to let us send your medical information to the other country, the other country will not be able to take care of your special needs.

Please note that your medical information will always be handled with strict confidentiality by professionals subject to secrecy obligations.

How long will it take to decide which country will treat my application? How long will it take before I have my application examined?

If the authorities in this country decide that we are responsible for examining your application for asylum, this means that you may remain in this country and have your application examined here.

What happens if another country, different from the one where I am present, is found responsible for examining my application?

If we consider that another country is responsible for examining your application, we will request that country to accept responsibility within **3 months** of the date of the submission of your application in this country.

However, if the responsibility of another country is established based on your fingerprint data, the request to the other country will be sent within **2 months** from the moment the results are obtained from Eurodac.

— *If this is the first time that you have applied for asylum in a Dublin country but there is reason to believe that another Dublin country should examine your asylum application, we will request that other country to "**take charge**" of your case.*

The country to which we send the request must answer within **2 months** of the receipt of the request. If that country does not reply within this timeframe, this means that it has accepted responsibility for your application.

— *If you have already applied for asylum in another Dublin country different from the one where you are now present, we will request that other country to "**take you back**"*

The country to which we send the request must answer within **1 month** of the receipt of the request or within **2 weeks** if the request was based on Eurodac data. If that country does not reply within this timeframe this means that it has accepted responsibility for your application and agrees to take you back.

If, however, you did not apply for asylum in this country and your previous asylum application in another country has been rejected by a final decision, we can either choose to send a request to the responsible country to take you back, or to proceed with your return to your country of origin or of permanent residence or to a safe third country [1].

If another country accepts that it is responsible for examining your application, you will be informed of our decision:

— not to examine your request for asylum here in this country and,

— to transfer you to the responsible country.

Your transfer will take place within 6 months of the date when the other country accepted responsibility, or, if you decide to challenge the decision, within 6 months from the moment a court or tribunal decides that you may be sent to that country. This time limit can be extended if you run away from the authorities here or if you are imprisoned.

[1] The present paragraph does not appear in the specific leaflet for Member States not participating in the Return Directive.

If you are held in detention/a closed centre in this country as part of the Dublin procedure, shorter time limits will apply (see specific section on detention for further information).

The responsible country will treat you as an asylum seeker and you will benefit from all related rights. If you never applied for asylum before in that country, you will be given the opportunity to apply after your arrival.

What if I disagree with the decision to send me to another country?

You have the possibility to say that you disagree with a decision to send you to another Dublin country. This is called an "appeal" or "review".

You can also ask for a suspension of the transfer for the duration of the appeal or review.

You can find information on which authorities to contact in order to challenge a decision in this country at the end of this leaflet.

When you receive the official transfer decision from the authorities, you have [*x days* (1)] to make an appeal to the [*name of Appeal Authority* (2)]. It is very important that you challenge (appeal or review) within the indicated time.

While your appeal or review is examined, you may remain in this country. **Or** (3)

Your transfer will be suspended for [*y days* (4)] before a court or tribunal will decide whether it is safe for you to be in the country responsible while your appeal is examined. **Or**

You have [*y days* (5)] to request that your transfer is suspended while your appeal is examined. A court or tribunal will shortly decide on this request. If it denies you the suspension, you will be given the reasons for that.

During this procedure you have the right to legal assistance and, if necessary, linguistic assistance. Legal assistance means that you have the right to have a lawyer who will prepare your papers and represent you in front of a court.

You may ask to have this assistance for free if you cannot afford the costs. Information on organisations that provide legal assistance can be found at the end of this leaflet.

Can I be detained?

There may be other reasons why you can be detained, but, for the purposes of the Dublin procedure, you may only be detained if our authorities consider there is a significant risk that you can run away because you do not want to be sent to another Dublin country.

What does this mean?

If our authorities consider that there is a significant risk that you will run away from us — for example because you have already done so or because you do not comply with reporting obligations etc. - they may put you in detention at any moment during the Dublin procedure. The reasons for which you may be detained are written in law. No other reasons than those in the law can be invoked in order to detain you.

You have the right to be informed in writing of the reasons why you are being detained, as well as the possibilities to challenge the detention order. You also have the right to legal assistance if you wish to challenge the detention order.

If you are detained during the Dublin procedure, the timeframe of the procedure for you will be the following:

— We will request the other country to accept responsibility within **1 month** of the submission of your asylum application.

— The country to which we sent the request must reply within **2 weeks** of the receipt of our request.

— Your transfer should be carried out within **6 weeks** of the acceptance of the request by the responsible country. If you challenge the transfer decision, the 6 weeks will be counted from the moment the authorities, or a court or tribunal decides that it is safe for you to be sent to the responsible country while your appeal is being considered.

(1) To be filled in by each Member States, according to the specific provisions in the national law.
(2) To be filled in by each Member States.
(3) One of three options to be chosen by each MS, depending on its choice for an effective remedy system.
(4) To be filled in by each Member States, according to the specific provisions in the national law.
(5) To be filled in by each Member States, according to the specific provisions in the national law.

If we fail to comply with the deadlines for sending the request or for implementing your transfer, your detention for the purpose of transfer under the Dublin Regulation will be ended. In that case, the normal time limits presented above will apply.

What will happen with the personal information that I provide? How do I know that it will not be misused?

The authorities of Dublin countries can exchange the data you are providing to them during the Dublin procedure for the sole purpose of fulfilling their obligations under the Dublin and Eurodac Regulations. Throughout the Dublin procedure you have the right for all your personal details and the information you provide about yourself, your family situation, etc. to be protected. Your data can only be used for the purposes defined by law.

You will have a right of access:

— To data relating to you. You have the right to request that such data, including Eurodac data be corrected, if they are inaccurate, or be deleted if they have been unlawfully processed;

— To the information explaining how to ask that your data, including Eurodac data, are corrected or deleted. This includes the contact details of the competent authorities responsible for your Dublin procedure, and of the national data protection authorities responsible for dealing with requests concerning the protection of personal data.

ANNEX XI

INFORMATION FOR UNACCOMPANIED CHILDREN WHO ARE APPLYING FOR INTERNATIONAL PROTECTION PURSUANT TO ARTICLE 4 OF REGULATION (EU) No 604/2013 [1]

We have given you this leaflet because you have expressed the need for protection and you told us you are less than 18 years of age. If you are less than 18 years old, you are considered to be a child. You will also hear the authorities refer to you as a 'minor', which means the same as child. The 'authorities' are the people responsible for making a decision on your claim for protection.

If you seek protection here because you were afraid in your country of origin, we call this 'seeking asylum'. Asylum is a place offering protection and safety.

When you make a formal request to the authorities asking for asylum, the law calls this an 'application or request for international protection'. The person that asks for protection is an 'applicant'. Sometimes you will also hear people calling you an 'asylum seeker'.

Your parents should be with you, but if they are not or if you have been separated from them on the way, you are an '**unaccompanied minor**'.

In this case, WE WILL PROVIDE YOU WITH A 'REPRESENTATIVE', WHO IS AN ADULT WHO WILL HELP YOU IN THE COURSE OF THE PROCEDURE. SHE OR HE WILL ASSIST YOU WITH YOUR APPLICATION AND CAN ACCOMPANY YOU WHEN YOU HAVE TO TALK TO THE AUTHORITIES. YOU CAN SPEAK ABOUT YOUR PROBLEMS AND FEARS WITH YOUR REPRESENTATIVE. YOUR REPRESENTATIVE IS THERE TO ENSURE THAT YOUR BEST INTERESTS ARE A PRIMARY CONSIDERATION, MEANING THAT YOUR NEEDS, SAFETY, WELL-BEING, SOCIAL DEVELOPMENT AND YOUR VIEWS ARE TAKEN INTO ACCOUNT. YOUR REPRESENTATIVE WILL ALSO TAKE ACCOUNT OF FAMILY REUNIFICATION POSSIBILITIES.

IF THERE IS SOMETHING YOU DO NOT UNDERSTAND, ASK YOUR REPRESENTATIVE OR OUR AUTHORITIES TO HELP YOU!

ALTHOUGH YOU ASKED FOR ASYLUM IN THIS COUNTRY, IT MIGHT BE THAT ANOTHER COUNTRY WILL HAVE TO EXAMINE YOUR REQUEST FOR PROTECTION.

Only one country can be responsible for considering your request for protection. That is established in a law called the '**Dublin Regulation**'. This law requires us to establish whether we are responsible for examining your application or whether another country is responsible – we call this a 'Dublin procedure'.

This law is applied throughout a geographical region which includes 32 countries [2]. For the purpose of this leaflet, we are calling these 32 countries 'Dublin countries'.

DO NOT RUN AWAY FROM THE AUTHORITIES OR TO ANOTHER Dublin COUNTRY. SOME people MIGHT tell you that this is THE BEST THING for you TO DO. IF SOMEONE TELLS YOU TO RUN AWAY, or that YOU SHOULD GO AWAY WITH THEM, TELL YOUR REPRESENTATIVE OR THE STATE AUTHORITIES IMMEDIATELY.

PLEASE TELL THE STATE AUTHORITIES AS SOON AS POSSIBLE IF:

— *You are alone, and you think that your mother, father, brother or sister, aunt* [3]*, uncle* [4]*, grandmother or grandfather could be present in one of the other 32 Dublin countries*;

— *If so, whether or not you want to live with them*;

— *You travelled to this country with someone else and, if so, with whom*;

— *You have already been to another one of the 32 'Dublin countries' listed*;

[1] The present leaflet is for information purposes only. Its aim is to provide applicants for international protection with the relevant information with respect to the Dublin procedure. It does not create/entail in itself rights or legal obligations. The rights and obligations of States and persons under the Dublin procedure are such as set out in Regulation (EU) No 604/2013.

[2] The Dublin countries include the 28 European Union countries (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) as well as 4 countries 'associated' to the Dublin Regulation (Norway, Iceland, Switzerland and Liechtenstein).

[3] Your mother's sister or your father's sister.

[4] Your mother's brother or your father's brother.

— *Your fingerprints were taken in another Dublin country: fingerprints are images taken from your fingers that help identifying you;*

— *You have already applied for asylum in a different Dublin country.*

IT IS VERY IMPORTANT THAT YOU COOPERATE WITH THE STATE AUTHORITIES AND THAT YOU ALWAYS TELL THEM THE TRUTH.

The Dublin system can help you if you are unaccompanied by a parent when you apply for protection.

If we have sufficient information about them, we will look for your parents or relatives in the Dublin countries. If we manage to find them, we will try to bring you together in the country where your parents or relatives are present. That country will then be responsible for examining your request for protection.

If you are alone and have no other family or relative in another Dublin country, it is very likely that your application will be examined in this country.

We may also choose to examine your application in this country, even if by law another country might be responsible. We can do so for humanitarian, family or cultural reasons.

During this procedure, **we will always act in your best interests**, and we will not send you to a country where it is established that your human rights could be violated.

What does it mean that we have to always act in your best interests? It means that we will have to:

— check whether it is possible to bring you together with your family in the same country;

— make sure that you will be safe and secure, especially from people that may want to treat you badly/do you harm;

— make sure that you can grow up in a safe and healthy way, and that you have food and shelter and that your social development needs are met;

— take your views into account – for example, as to whether you would like to stay with a relative or would prefer not to do so.

YOUR AGE

Persons older than 18 years are 'adults'. They are treated differently than children and adolescents ('minors').

Please tell the truth about your age.

If you have any document with you that shows your age, share it with the authorities. If the authorities question your age, it is possible that a doctor will want to examine you to see if you are younger or older than 18. You and/or your representative must first agree to this before any medical examination can take place.

IN THE FOLLOWING LINES WE WILL TRY TO ANSWER THE MOST COMMON QUESTIONS YOU MIGHT HAVE ABOUT THE DUBLIN PROCEDURE, HOW IT CAN HELP YOU AND WHAT YOU SHOULD EXPECT TO HAPPEN:

FINGERPRINTS – What are they? Why are they taken?

When you request asylum, **if you are 14 years of age or older, a picture or image of your fingers** (called a 'fingerprint') will be taken and transmitted to a fingerprint database called 'Eurodac'. You must cooperate in this procedure – all people that apply for asylum are obliged by law to have their fingerprints taken.

Your fingerprints might be checked at some point to see if you have ever applied for asylum before or to see if you were previously fingerprinted at a border. If it is discovered that you have already applied for asylum in another Dublin country, you may be sent to this country if it is in your best interests for you to go there. This country will then be responsible for examining your application for international protection.

Your fingerprints will be stored for 10 years. After 10 years, they will be deleted automatically from the database. If you are successful with your request for protection, your fingerprints will stay in the database until they are automatically deleted. If, later on, you become a citizen of a Dublin country, your fingerprints will be deleted. Only your fingerprints and your gender will be stored in Eurodac – your name, photograph, date of birth and nationality are not sent to the database or stored. However, these details may be stored on our national database. The data stored in Eurodac will not be shared with any other country or organisation outside the Dublin countries.

As of 20 July 2015, your fingerprints may be searched by authorities such as the police and the European police office (Europol) may search your fingerprints and request access to the Eurodac database for the purpose of preventing, detecting and investigating serious crimes and terrorism.

What information should you make sure that the state authorities know about your situation?

It is likely that you will be interviewed in order to be able to determine which country is responsible for examining your request for asylum. At this interview, our state authorities will explain to you the 'Dublin procedure' and will try to find out if it is possible to re-unite you with your family in another Dublin country.

If you know that your parents, siblings or a relative are in another Dublin country, please do not forget to mention this to the person who interviews you. Provide as much information as possible to help us find your family — names, addresses, phone numbers, etc.

During the interview, you might also be asked whether you have already been to other Dublin countries. Please tell the truth.

Your representative can accompany you to the interview, to give you help and support and to do what is best for you. If you have any reason why you do not want your representative to be there with you, you should tell the state authorities.

AT THE BEGINNING OF THE INTERVIEW, THE INTERVIEWER AND YOUR REPRESENTATIVE WILL EXPLAIN THE PROCEDURES AND YOUR RIGHTS TO YOU. IF THERE IS SOMETHING THAT YOU DO NOT UNDERSTAND, OR YOU HAVE OTHER QUESTIONS, PLEASE ASK THEM!

The interview is your right and is an important part of your application.

The interview will take place in a language that you understand. If you are not able to understand the language used, you can ask for an interpreter to help you communicate. The interpreter must only interpret what you and the interviewer are saying. The interpreter must not add his or her personal views. If you have difficulty understanding the interpreter, you must tell us and/or speak to your representative.

The interview will be confidential. This means that no information that you will provide, including the fact that you have applied for protection in our country, will be sent to persons or authorities who may harm you in any way you or harm any member of your family who is still in your home country.

IT IS IMPORTANT THAT YOU AND YOUR REPRESENTATIVE ARE AWARE OF THE TIMEFRAMES OF THE DUBLIN PROCEDURE!

Read the answers we give below.

How long will it take before you know if you have to go to another country or you can stay here?

What happens if another country is found responsible for examining your application?

→ *If this is your first asylum application in a Dublin country, you will be sent to another country because your mother, father, brother, sister, aunt, uncle, grandfather or grandmother is present in that country and you will join him/her/them there and stay together for the examination of your asylum application.* [1]

→ *If you did not apply for asylum here but you did apply for asylum in another Dublin country in the past, you may be sent back to that country so that the authorities there can consider your asylum application.* [2]

In both cases, it may take up to **five months** to take a decision to transfer you to another country, either from the moment you requested asylum or from the moment we become aware that you applied for international protection in another Dublin country. The authorities will inform you of this decision as soon as possible after the decision was made.

→ *If you did not ask for asylum in this country and your previous asylum application in another country was rejected after being fully examined, we have to either ask the other country to take you back, or to proceed with your return to your country of origin or of permanent residence or to a safe third country.*

If we decide that another country is responsible for your asylum application, when the country which is asked to take responsibility for you accepts to do so, you will be officially informed of the fact that we will not examine your request for international protection and instead we will transfer you to the responsible country.

Your transfer will take place within six months from the moment the other country accepted responsibility for you, or of the final decision on an appeal or review, if you don't agree and decide to challenge this decision (see section below which explains what this means!). This time limit can be extended to one year if you are imprisoned, or up to 18 months if you flee or run away.

[1] You might hear people referring to this as 'take charge'.
[2] You might hear people referring to this as 'take back'.

What happens if you don't want to go to another country?

TALK TO YOUR REPRESENTATIVE ABOUT THIS!

If we decide that you should go to another country to have your application examined there and you disagree with that, you have the possibility to challenge a transfer decision. We call this an 'appeal' or 'review'.

Once you have received the decision from the authorities you have [*x days* [1]] to submit an appeal to [*Appeal Authority* [2]]. It is very important that you submit an appeal within that timeframe. Your representative should help you with this.

— While your appeal or review is being examined, you may remain in this country. **Or** [3]

— Your transfer will be suspended for [*y days* [4]] until a court or tribunal will decide whether it is safe for you to be in the country responsible while your appeal is examined. **Or**

— You have [*y days* [5]] to request that your transfer is suspended while your appeal is examined. A court or tribunal will shortly decide on this request. If it denies you the suspension, you will be given the reasons for that.

— The back of this leaflet contains information on which authority to contact in order to appeal a decision in this country.

During the 'appeal' procedure you will be given access to legal assistance and, if necessary, linguistic assistance from an interpreter or translator. You may ask to have legal assistance for free if you do not have money for it. The back of this leaflet contains contact details for organisations that provide legal assistance and can help you with your appeal.

DETENTION

People who are not free to travel where they like and are housed in a closed building that they cannot leave are said to be in 'detention'.

If you are an unaccompanied minor you may be living in accommodation where there are rules so that you must stay inside at night or when it is dark outside or rules that mean you have to tell the people looking after you if you are going outside and when you will be coming back. These rules are to protect your safety. This does not mean that you are in a place of detention.

CHILDREN ARE ALMOST NEVER DETAINED!

Are you in detention? If you are not sure if you are detained please ask the authorities, your representative or your legal adviser [6] as soon as possible. You can then talk to them about your situation and if you are in detention about the possibility to challenge the detention decision!

There is a risk that you will find yourself in detention during the Dublin procedure. Most of the time, this happens when the state authorities do not believe that you are below 18 and fear that you might run away or hide from them because you are afraid you could be sent to another country.

You have the right to be informed in writing of the reasons why you are being detained, and about how you can challenge the detention order. You also have the right to legal assistance if you wish to challenge the detention order, so speak to your representative or legal adviser if you are unhappy.

If you are detained during the Dublin procedure, the timeframe of the procedure for you will be the following: we will have to ask another country to take responsibility for you within **one month** of the submission of your asylum application. The requested country should give a reply within **two weeks** after that. Finally, if you remain in detention, your transfer should be carried out within **six weeks** of the acceptance of the request by the responsible country.

If you decide to challenge the transfer decision while you are in detention, the state authorities do not have an obligation to transfer you within six weeks. The state authorities will inform you then of your options.

If the state authorities do not comply with the timeframes for asking another country to take responsibility for you, or do not carry out your transfer on time, your detention for the purpose of transfer under the Dublin Regulation will be ended. In that case, the normal time limits presented in section "What happens if another country is found responsible for examining your application?" will apply.

(1) To be filled in by each Member States, according to the specific provisions in the national law.
(2) To be filled in by each Member States.
(3) One of three options to be chosen by each Member State, depending on its choice for an effective remedy system.
(4) To be filled in by each Member States, according to the specific provisions in the national law.
(5) To be filled in by each Member States, according to the specific provisions in the national law.
(6) A person who is recognised by the authorities as representing your interests in front of the law. Your representative and/or the authorities should advise you if you need one, but you may also ask them to instruct one on your behalf. See the back of this leaflet for organisations that can provide you with legal representation.

What are your rights during the period in which we decide who is responsible for you?

You have the right to remain in this country if we are responsible for examining your asylum request, or, where another country is responsible, until you are transferred there. If the country where you are now present is responsible for examining your asylum request, you have the right to remain here at least until a first decision is taken on your asylum application. You are also entitled to benefit from material reception conditions, e.g. accommodation, food, etc., as well as basic medical care and emergency medical assistance. You are also entitled to go to school.

You will be given the opportunity to provide us with information about your situation and the presence of family members on the territory of the Dublin countries orally and/or in writing and, when doing so, to use your mother tongue or another language that you speak well (or to have an interpreter, if needed). You will also receive a written copy of the decision to transfer you to another country. You are also entitled to contact us for more information and/or to contact the office of the United Nations High Commissioner for Refugees (UNHCR) in this country.

Your representative and the state authorities will explain more about your rights!

What will happen to the personal information that you provide? How do you know that it will not be used for the wrong purposes?

The authorities of Dublin countries can exchange the information you are providing to them during the Dublin procedure only to fulfil their obligations under the Dublin Regulation.

You will have a right of access:

— To information relating to you. You have the right to request that such data be changed if not correct or true, or be deleted if unlawfully processed;

— To the information explaining how to request that your data are corrected or deleted, including the contact details of specific competent authorities identified as responsible for your Dublin procedure, and of the national data protection authorities responsible for hearing requests concerning the protection of personal data.

WHERE CAN YOU TURN FOR HELP? (*To be filled in with Member State-specific information, in particular*:)

— address and contact details of the asylum authority;

— name, address and contact details of organisations providing representation for unaccompanied minors;

— address and contact details of the national authority in charge of child protection;

— address and contact details of the responsible authority for carrying out the Dublin procedure;

— details of the National Supervisory Authority;

— identity and Eurodac controller and of his/her representative;

— contact details of the office of the controller;

— Red Cross and its role;

— Contact details of the local UNHCR office (if present) and its role;

— Contact details of the legal aid providers/refugee/child supporting organisations;

— Contact details of IOM and its role.

ANNEX XII

INFORMATION FOR THIRD COUNTRY NATIONALS OR STATELESS PERSONS APPREHENDED IN CONNECTION WITH THE IRREGULAR CROSSING OF AN EXTERNAL BORDER, PURSUANT TO ARTICLE 29(3) OF REGULATION (EU) No 603/2013

If you are 14 years of age or older and you are apprehended irregularly crossing a border, your fingerprints will be taken and transmitted to a fingerprint database called "Eurodac". You must cooperate in this procedure – you are obliged by law to have your fingerprints taken.

If your fingerprints are not of a clear quality, including if you have deliberately damaged your fingers, the fingerprints may be taken again in the future.

If at some point in the future you apply for asylum again, your fingerprints will be taken again. If you apply for asylum in a different country than in the one where you were first fingerprinted, you could be sent back to the first country where you were fingerprinted.

Your fingerprint data will be stored for 18 months – after 18 months, they will be deleted automatically from the database. Only your fingerprints and your gender will be stored in Eurodac – your name, photograph, date of birth and nationality are not sent to the database or stored.

You may at any time in the future request to obtain communication of the data relating to you that are recorded in Eurodac from the country that is taking your fingerprints. You may ask that data be corrected or erased – they should be erased, for example, if you become a citizen of an EU or associated country or if you obtain a residence permit for one of those countries and you did not apply for asylum.

Eurodac is operated by an Agency of the European Union called eu-LISA. Your data can only be used for the purposes defined by law. Only the Eurodac Central System will receive your data. If you request asylum in the future in another EU or associated country [1], your fingerprints will be sent to that country for verification. The data stored in Eurodac will not be shared with any other country or organisation outside the EU and the associated countries.

As of 20 July 2015, your fingerprints may be searched by authorities such as the police and the European police office (Europol) who may request access to the Eurodac database for the purpose of preventing, detecting and investigating serious crimes and terrorism

Contact information (Fill in with Member State-specific information)

— Identity of the Eurodac controller and of his/her representative;

— Contact details of the office of the controller;

— Details of the National Supervisory Authority (Data Protection);

[1] Your fingerprint data may be shared where the law allows between the 28 EU Member States plus the 4 Associated Countries – Norway, Iceland, Switzerland and Liechtenstein.

ANNEX XIII

INFORMATION FOR THIRD COUNTRY NATIONALS OR STATELESS PERSONS FOUND ILLEGALLY STAYING IN A MEMBER STATE, PURSUANT TO ARTICLE 29(3) OF REGULATION (EU) No 603/2013

If you are found illegally staying in a "Dublin" country ([1]), authorities may take your fingerprints and transmit them to a fingerprint database called "Eurodac". This is only for the purpose of seeing if you have previously applied for asylum. Your fingerprint data will not be stored in the Eurodac database, but if you have previously applied for asylum in another country, you may be sent back to that country.

If your fingerprints are not of a clear quality, including if you have deliberately damaged your fingers, the fingerprints may be taken again in the future.

Eurodac is operated by an Agency of the European Union called eu-LISA. Your data can only be used for the purposes defined by law. Only the Eurodac Central System will receive your data. If you request asylum in the future in another Dublin country, your fingerprints will also be taken for transmission to Eurodac. The data stored in Eurodac will not be shared with any other country or organisation outside the EU and the associated countries.

Contact information (Fill in with Member State-specific information)

— Identity of the Eurodac controller and of his/her representative;

— Contact details of the office of the controller;

— Details of the National Supervisory Authority (Data Protection);

If our authorities consider that you might have applied for international protection in another country which could be responsible for examining that application, you will receive more detailed information about the procedure that will follow and how it affects you and your rights. ([2])

([1]) It extends over the entire European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) as well as to the 4 countries "associated" to the Dublin Regulation (Norway, Iceland, Switzerland and Liechtenstein)

([2]) The information provided is that foreseen under Part B of Annex X.'

COMMISSION REGULATION (EU) No 119/2014

of 7 February 2014

amending Directive 2002/46/EC of the European Parliament and of the Council and Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards chromium enriched yeast used for the manufacture of food supplements and chromium(III) lactate tri-hydrate added to foods

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ([1]), and in particular Article 4(5) thereof,

Having regard to Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods ([2]), and in particular Article 3(3) thereof,

After consulting the European Food Safety Authority (EFSA),

Whereas:

(1) Annex II to Directive 2002/46/EC establishes the list of vitamin and mineral substances which may be used in the manufacture of food supplements. Commission Regulation (EC) No 1170/2009 ([3]) has replaced Annexes I and II to Directive 2002/46/EC. Annex II to Directive 2002/46/EC has been amended by Commission Regulation (EU) No 1161/2011 ([4]).

(2) According to Article 14 of Directive 2002/46/EC, provisions on vitamin and mineral substances in food supplements which may have an effect upon public health are to be adopted after consultation with EFSA.

(3) On 31 October 2012, EFSA adopted a scientific opinion on ChromoPrecise® cellular bound chromium yeast added for nutritional purposes as a source of chromium in food supplements and the bioavailability of chromium from this source ([5]).

(4) EFSA stressed that the conclusions set out in its opinion apply only to ChromoPrecise® chromium yeast and not to other chromium-enriched yeasts. Furthermore it considered that the specifications for ChromoPrecise® chromium yeast should include specifications for loss on drying and for chromium(VI) maximum content.

(5) If follows from the opinion adopted by EFSA on 31 October 2012 that the use of ChromoPrecise® chromium yeast in food supplements is not of safety concern, provided that certain conditions detailed in the opinion are respected.

(6) Annex II to Regulation (EC) No 1925/2006 establishes the list of vitamin and mineral substances which may be added to foods.

(7) According to Article 3(3) of Regulation (EC) No 1925/2006, modifications to the list provided in Annex II to that Regulation are to be adopted taking account of the opinion of EFSA.

(8) On 13 September 2012 EFSA adopted a scientific opinion on chromium(III) lactate tri-hydrate as a source of chromium(III) added for nutritional purposes to foodstuff ([6]).

(9) It follows from the opinion adopted by EFSA on 13 September 2012 that the addition of chromium(III) lactate tri-hydrate to food is not of safety concern, provided certain conditions detailed in the opinion are respected.

(10) Substances for which EFSA expressed a favourable opinion should be added to the lists set out in Annex II to Directive 2002/46/EC and Annex II to Regulation (EC) No 1925/2006.

(11) Interested parties were consulted through the Advisory Group on the Food Chain and Animal and Plant Health and the comments provided were taken into consideration.

([1]) OJ L 183, 12.7.2002, p. 51.
([2]) OJ L 404, 30.12.2006, p. 26.
([3]) OJ L 314, 1.12.2009, p. 36.
([4]) OJ L 296, 15.11.2011, p. 29.
([5]) EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS); Scientific Opinion on ChromoPrecise® cellular bound chromium yeast added for nutritional purposes as a source of chromium in food supplements and the bioavailability of chromium form this source. *EFSA Journal* 2012; 10(11):2951.

([6]) EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS); Scientific Opinion on chromium(III) lactate tri-hydrate as a source of chromium added for nutritional purposes to foodstuff. *EFSA Journal* 2012; 10(10):2881.

(12) Directive 2002/46/EC and Regulation (EC) No 1925/2006 should therefore be amended accordingly.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

In point B of Annex II to Directive 2002/46/EC, the following entry is inserted after the entry 'chromium(III) chloride':

'chromium enriched yeast (*)

(*) Chromium-enriched yeast produced by culture of *Saccharomyces cerevisiae* in the presence of chromium(III) chloride as a source of chromium and containing, in the dried form as marketed, 230-300 mg of chromium/kg. The content of chromium(VI) shall not exceed 0,2 % of total chromium.'.

Article 2

In point 2 of Annex II to Regulation (EC) No 1925/2006, the following entry is inserted after the entry 'chromium picolinate':

'chromium(III) lactate tri-hydrate'.

Article 3

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 be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 February 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 120/2014

of 7 February 2014

amending Regulation (EC) No 1981/2006 on detailed rules for the implementation of Article 32 of Regulation (EC) No 1829/2003 of the European Parliament and the Council as regards the Community reference laboratory for genetically modified organisms

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed [1], and in particular Article 32, second subparagraph and fifth subparagraph, thereof,

Whereas:

(1) Detailed rules for implementing Article 32 of Regulation (EC) No 1829/2003 were set out by Commission Regulation (EC) No 1981/2006 [2], as amended by Implementing Regulation (EU) No 503/2013 [3]. It is necessary to update those rules, in particular regarding the financial contributions of applicants, in order to take into account changes in the costs incurred when testing and validating methods for detection, and changes in the allocation of tasks in the Member States.

(2) The Regulation should also take into account the growing number of GMOs containing stacked transformation events with an increasing combination of single transformation events.

(3) It is necessary to update the list of designated national reference laboratories to assist the Community Reference Laboratory referred to in in the first paragraph of Article 32 of Regulation (EC) No 1829/2003 (CRL) for testing and validation of detection methods in order to take account of changes of designation of national reference laboratories by Member States and to include those in the Member States which recently joined the Union.

(4) Transitional measures should be laid down to allow applicants who have received the acknowledgement of the application for an authorisation by the national competent authority according to Regulation (EC) No 1829/2003 before the entry into force of this Regulation to pay the financial contributions according to Regulation (EC) No 1981/2006.

(5) Due consideration should be given to public research institutions established in the EU applying for GMO authorisations related to projects mainly financed by the public sector, and a reduction of the amount of the financial contribution should therefore be foreseen in such cases.

(6) Regulation (EC) No 1981/2006 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1981/2006 is amended as follows:

(1) In Article 2, point (a) is replaced by the following:

'(a) "full validation procedure" means:

(i) the assessment, through a ring trial according to international standards, involving national reference laboratories of the method performance criteria set by the applicant as compliant with the document entitled "Definition of minimum performance requirements for analytical methods of GMO testing" (*) referred to:

— in the case of genetically modified plants for food or feed uses, food or feed containing or consisting of genetically modified plants and food produced from or containing ingredients produced from genetically modified plants or feed produced from genetically modified plants, in point 3.1.C.4. of Annex III to Commission Implementing Regulation (EU) No 503/2013 (**);

[1] OJ L 268, 18.10.2003, p. 1.
[2] OJ L 368, 23.12.2006, p. 99.
[3] OJ L 157, 8.6.2013, p. 1.

— in all other cases, in point 1(B) of Annex I to Regulation (EC) No 641/2004;

and

(ii) the assessment of the precision and trueness of the method provided by the applicant.

(*) http://gmo-crl.jrc.ec.europa.eu/doc/Min_Perf_Requirements_Analytical_methods.pdf, CRL and European Network of GMO laboratories, 13 October 2008.
(**) OJ L 157, 8.6.2013, p. 1.'

(2) In Article 2, the following definitions are added:

'(e) "GMO containing a single transformation event" means a GMO that has been obtained through a single transformation process;

(f) "GMO containing stacked transformation events" means a GMO containing more than one single transformation event obtained by conventional crossing, co-transformation or re-transformation.'

(3) Article 3 is replaced by the following:

'*Article 3*

Contributions

1. For each application for a GMO containing a single transformation event, a flat-rate contribution of EUR 40 000 shall be paid by the applicant to the CRL.

2. The CRL shall request the applicant to pay an additional contribution of EUR 65 000 where a full validation procedure of a method of detection and identification for a GMO containing a single transformation event is required in accordance with the following provisions:

(a) Annex III to Implementing Regulation (EU) No 503/2013, when the application is related to:

(i) genetically modified plants for food or feed uses;

(ii) food or feed containing or consisting of genetically modified plants;

(iii) food produced from or containing ingredients produced from genetically modified plants or feed produced from such plants; or

(b) Annex I of Regulation (EC) No 641/2004 in all other cases.

3. For each application for a GMO containing stacked transformation events, where the method of detection and identification of each single transformation event that constitutes the GMO has been validated by the CRL or where the validation is pending, the flat-rate contribution depends on the number (N) of single transformation events that constitute the GMO and shall be calculated as EUR 20 000 + (N × EUR 5 000). Only the GMO containing stacked transformation events with the highest number of single transformation events is to be considered in this calculation.

4. For each application for a GMO containing stacked transformation events that consists of one or more single transformation event(s) for which the method of detection and identification has not been validated by the CRL or for which no validation is pending, the contribution shall be calculated as follows: Article 3(1) and 3 (2) shall apply to single transformation event(s) for which no validated method exists and Article 3(3) shall apply to the GMO containing stacked transformation events, N corresponding to the number of single transformation events composing the GMO for which a validated method exists.

5. The CRL shall reduce the amount of the additional contribution referred to in paragraph 2, in proportion of the costs saved:

(a) where the material needed to perform the full validation procedure is supplied by the applicant; and/or

(b) where the applicant provides data that refers to modules, such as DNA extraction protocols and species specific reference systems, already validated and published by the CRL.

6. Where the costs of the validation of the method of detection and identification proposed by the applicant exceed by at least 50 % the amount of the financial contributions mentioned under paragraphs 1, 2 and 3, a further contribution shall be requested. The further contribution shall cover 50 % of the part of the costs exceeding the amount of the contributions referred to in paragraphs 1, 2 and 3.

7. The contributions provided for in paragraphs 1 to 6 remain due in case of withdrawal of the application, without prejudice to Article 5(3)'.

(4) Article 4 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Where the applicant is a SME, has its head office established in a developing country, or is a public research institution established in the EU whose application relates to a project financed mainly by the public sector, the financial contributions referred to in Article 3(1) to (4) shall be reduced by 50 %'.

(b) Paragraph 3 is replaced by the following:

'3. Article 3(6) shall not apply to applicants referred to in Article 4(1).'

(5) Article 5 is amended as follows:

(a) Paragraphs 1, 2 and 3 are replaced by the following:

'1. The applicant shall provide evidence that the contribution referred to in Article 3(1), 3(3) and/or 3(4) has been paid to the CRL when it submits the samples of the food and feed and their control samples to the CRL in accordance with Articles 5(3)(j) or Article 17(3)(j) of Regulation (EC) No 1829/2003.

2. Where, as provided for in Article 3(2), a full validation procedure is required, the CRL shall notify the applicant in writing of this fact and require the payment of the amount in accordance with that provision, prior to starting step 4 (collaborative trial) of its validation process.

3. Where, as provided for in Article 3(6), the CRL expects the costs of the validation of the detection method proposed by the applicant to exceed by at least 50 % the amount of the financial contributions referred to in Article 3(1) to (4), it shall notify the applicant in writing of the estimated amount of the further costs.

If, within one month of the date of receipt of the notification, the applicant withdraws its application, the further contribution referred to in Article 3(6) shall not be due.

After completion of the validation of the detection method, the CRL shall notify the applicant in writing the actual and duly justified costs incurred in carrying out the validation of the method of detection and require payment of the contribution due in accordance with Article 3(6).'

(b) Paragraph 5 is deleted.

(c) The first subparagraph of paragraph 7 is replaced by the following:

'The contributions provided for in paragraph 2 and 3 shall be payable by the applicant within 45 days of the date of reception of the notification. Step 4 (collaborative trial) of the validation process shall not be started before those contributions are received'.

(6) In Article 6, paragraph 2 is replaced by the following paragraphs 2 and 3:

'2. The national reference laboratories listed in Annex II shall be selected randomly for participation in an international collaborative validation trial and shall receive 2 400 EUR from the CRL as a contribution to the costs for their participation. In case of Article 4(1) this amount shall be proportionally reduced.

3. The CRL and those national reference laboratories listed in Annex II that participate in a validation study shall enter into a written agreement to define the relations between them, notably in financial matters.'

(7) In Annex I, point (a) is replaced by the following:

'(a) be accredited according to EN ISO/IEC 17025 on "General requirements for the competence of testing and calibration laboratories", or an equivalent international standard which ensures that the laboratories:

— have suitably qualified staff with adequate training in analytical methods used for the detection and identification of GMOs and GM food and feed,

— possess the equipment needed to carry out the required analysis,

— have an adequate administrative infrastructure,

— have sufficient data-processing capacity to produce technical reports and to enable rapid communication with the other laboratories participating in the testing and validation of detection methods;

Laboratories listed in Annex II to this Regulation which are not yet accredited are admitted until 31 December 2014 if the laboratory declares to be in the process of accreditation and provides proof of technical competences to the CRL'.

(8) Annex II is replaced by the Annex to this Regulation.

Article 2

Transitional measures

Articles 3 to 5 of Regulation (EC) No 1981/2006 on financial contributions shall continue to apply to applicants who have received the acknowledgement of the application for an authorisation by the national competent authority according to Regulation (EC) No 1829/2003 before the entry into force of this Regulation.

Article 3

Entry into force

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 be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 7 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX II

National reference laboratories assisting the CRL for testing and validation of methods for detection, as referred to in Article 6(1)

Belgique/België

— Centre wallon de Recherches agronomiques (CRA-W),

— Institut Scientifique de Santé Publique (ISP) — Wetenschappelijk Instituut Volksgezondheid (WIV),

— Instituut voor Landbouw- en Visserijonderzoek (ILVO);

Bulgaria

— Национален център по обществено здраве и анализи (НЦОЗА), София, Сектор ГМО;

Česká republika

— Výzkumný ústav rostlinné výroby, v.v.i. (VÚRV), Praha;

Danmark

— Danmarks Tekniske Universitet, DTU Fødevareinstituttet, Afdeling for Toksikologi og Risikovurdering [1],

— Ministeriet for Fødevarer, Landbrug og Fiskeri, Fødevarestyrelsen, Sektion for Plantediagnostik, Ringsted;

Deutschland

— Chemisches und Veterinäruntersuchungsamt (CVUA) Freiburg,

— Landwirtschaftliches Technologiezentrum Augustenberg (LTZ),

— Bayerisches Landesamt für Gesundheit und Lebensmittelsicherheit (LGL),

— Landeslabor Berlin-Brandenburg, Berlin,

— Landeslabor Berlin-Brandenburg, Frankfurt/Oder,

— Institut für Hygiene und Umwelt der Hansestadt Hamburg,

— Landesbetrieb Hessisches Landeslabor — Standort Kassel,

— Landesamt für Landwirtschaft, Lebensmittelsicherheit und Fischerei (LALLF) Mecklenburg-Vorpommern,

— Niedersächsisches Landesamt für Verbraucherschutz und Lebensmittelsicherheit (LAVES) — Lebensmittel- und Veterinärinstitut Braunschweig/Hannover,

— Landesuntersuchungsamt Rheinland-Pfalz — Institut für Lebensmittelchemie Trier,

— Landwirtschaftliche Untersuchungs- und Forschungsanstalt (LUFA) Speyer,

— Landesamt für Verbraucherschutz — Abteilung D Veterinärmedizinische, mikro- und molekularbiologische Untersuchungen, Saarland,

— Staatliche Betriebsgesellschaft für Umwelt und Landwirtschaft, Geschäftsbereich Labore Landwirtschaft, Sachsen,

— Landesuntersuchungsanstalt für das Gesundheits- und Veterinärwesen Sachsen (LUA),

— Landesamt für Verbraucherschutz Sachsen-Anhalt — Fachbereich Lebensmittelsicherheit,

— Landeslabor Schleswig-Holstein,

[1] Until 1 January 2014.

— Thüringer Landesamt für Verbraucherschutz (TLV),

— Bundesinstitut für Risikobewertung (BfR),

— Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL);

Eesti

— Tallinna Tehnikaülikooli (TTÜ) geenitehnoloogia instituut, DNA analüüsi labor;

Éire

— Food and Environment Research Agency (FERA) Sand Hutton, York;

Elláda

— Ελληνικός Γεωργικός Οργανισμός "ΔΗΜΗΤΡΑ", Γενική Διεύθυνση Αγροτικής Έρευνας, Ινστιτούτο Τεχνολογίας Γεωργικών Προϊόντων, Εργαστήριο Γενετικής Ταυτοποίησης, Αθήνα,

— Υπουργείο Οικονομικών, Γενική Γραμματεία Δημοσίων Εσόδων, Γενική Διεύθυνση Γενικού Χημείου του Κράτους (ΓΧΚ), Διεύθυνση Τροφίμων; Αθήνα;

España

— Centro Nacional de Alimentación, Agencia Española de Seguridad Alimentaria y Nutrición (CNA-AESAN),

— Laboratorio Arbitral Agroalimentario del Ministerio de Agricultura, Alimentación y Medio Ambiente (LAA-MAGRAMA);

France

— Groupement d'Intérêt Public — Groupe d'Etude et de contrôle des Variétés et des Semences (GIP-GEVES),

— Laboratoire du Service Commun des Laboratoires (SCL) d'Illkirch-Graffenstaden,

— Laboratoire de la Santé des Végétaux (ANSES), Angers;

Hrvatska

— Odsjek za kvantifikaciju GMO i procjenu rizika, Hrvatski zavod za javno zdravstvo;

Italia

— Centro di Ricerca per la Sperimentazione in Agricoltura, Centro di Sperimentazione e Certificazione delle Sementi (CRA-SCS), Sede di Tavazzano — Laboratorio,

— Istituto Superiore di Sanità, Dipartimento di Sanità Pubblica Veterinaria e Scurezza Alimentare — Reparto OGM e xenobiotici di origine fungina (ISS-DSPVSA),

— Istituto Zooprofilattico Sperimentale delle Regioni Lazio e Toscana, Centro di Referenza Nazionale per la Ricerca di OGM (CROGM);

Kypros

— Γενικό Χημείο του Κράτους (ΓΧΚ);

Latvija

— Pārtikas drošības, dzīvnieku veselības un vides zinātniskais institūts "BIOR";

Lietuva

— Nacionalinio maisto ir veterinarijos rizikos vertinimo instituto Molekulinės biologijos ir Genetiškai modifikuotų organizmų tyrimų skyrius;

Luxembourg

— Laboratoire National de Santé (LNS), Division du contrôle des denrées alimentaires;

Magyarország

— Nemzeti Élelmiszerlánc-biztonsági Hivatal (NÉBIH);

Malta

— LGC Limited UK;

Nederland

— RIKILT — Wageningen UR,

— Nederlandse Voedsel en Waren Autoriteit (NVWA);

Österreich

— Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH — Institut für Lebensmittelsicherheit Wien, Abteilung für Molekular- und Mikrobiologie (AGES — MOMI),

— Umweltbundesamt GmbH;

Polska

— Instytut Hodowli i Aklimatyzacji Roślin (IHAR); Laboratorium Kontroli Genetycznie Modyfikowanych Organizmów, Błonie,

— Instytut Zootechniki — Państwowy Instytut Badawczy, Krajowe Laboratorium Pasz, Lublin,

— Państwowy Instytut Weterynaryjny — Państwowy Instytut Badawczy, Puławy,

— Regionalne Laboratorium Badań Żywności Genetycznie Modyfikowanej w Tarnobrzegu;

Portugal

— Laboratório de OGM, Instituto Nacional de Investigação Agrária e Veterinária (INIAV), Unidade Estratégica de Investigação e Serviços de Sistemas Agrários e Florestais e Sanidade Vegetal (UEIS-SAFSV);

România

— Laboratorul Național de Referință pentru OMG din alimente și furaje, Institutul de Diagnostic și Sănătate Animală, București;

Slovenija

— Kmetijski inštitut Slovenije (KIS), Ljubljana,

— Nacionalni inštitut za biologijo (NIB), Ljubljana;

Slovensko

— Ústredný kontrolný a skúšobný ústav poľnohospodársky, Oddelenie molekulárnej biológie NRL Bratislava,

— Štátny veterinárny a potravinový ústav, Dolný Kubín (State Veterinary and Food Institute Dolný Kubín);

Suomi/Finland

— Tullilaboratorio,

— Elintarviketurvallisuusvirasto Evira;

Sverige

— Livsmedelsverket (SLV);

United Kingdom

— Food and Environment Research Agency (FERA),

— LGC Limited (LGC),

— Science and Advice for Scottish Agriculture (SASA)'.

COMMISSION IMPLEMENTING REGULATION (EU) No 121/2014

of 7 February 2014

concerning the authorisation of L-selenomethionine as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [1], and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of L-selenomethionine. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) That application concerns the authorisation of L-selenomethionine, an organic compound of selenium, as a feed additive for all animal species, to be classified in the additive category 'nutritional additives'.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 2 May 2013 [2] that, under the proposed conditions of use, L-selenomethionine does not have an adverse effect on animal health, human health or the environment and that its use may be considered as an efficient source of selenium for all animal species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of L-selenomethionine shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.

(6) The Authority concluded that the limitation of the supplementation with organic selenium established for other organic compounds of selenium should also apply to L-selenomethionine. Furthermore, in case different compounds of selenium are added to the feed, the supplementation with organic selenium should not exceed 0,2 mg per kg complete feed.

(7) The applicant delivered supplementary data consequently to the abovementioned opinion of the Authority to prove the stability of the additive once it is incorporated in premixtures containing compounds of trace elements.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

[1] OJ L 268, 18.10.2003, p. 29.
[2] EFSA Journal 2013; 11(5):3219.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Selenium in mg/kg of complete feed with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements									
3b815	—	L-selenomethionine	*Characterisation of the additive* Solid preparation of L-selenomethionine with a selenium content < 40 g/kg *Characterisation of the active substance* Organic selenium in form of L-selenomethionine (2-amino-4-methylselanyl-butanoic acid) from chemical synthesis Chemical formula: $C_5H_{11}NO_2Se$ CAS number: 3211-76-5 Crystalline powder with L-selenomethionine > 97 % and Selenium > 39 % *Analytical method* (1) For the determination of L-selenomethionine in the feed additive: high performance liquid chromatography and inductively coupled plasma mass spectrometry (HPLC-ICPMS) after triple proteolytic digestion. For the determination of total selenium in the feed additive: inductively coupled plasma mass spectrometry (ICPMS), or inductively coupled plasma atomic emission spectrometry (ICP-AES). For the determination of total selenium in premixtures, compound feed and feed materials: hydride generation atomic absorption spectrometry (HGAAS) after microwave digestion (EN 16159:2012).	All species	—		0,50 (total)	1. The additive shall be incorporated into feed in the form of a premixture. 2. For user safety: breathing protection, safety glasses and gloves shall be worn during handling. 3. Technological additives or feed materials included in the preparation of the additive shall ensure a dusting potential < 0,2 mg selenium/m^3 air. 4. In the directions for use of the additive and premixtures, indicate the storage and stability conditions. 5. Maximum supplementation with organic selenium: 0,20 mg Se/kg of complete feed with a moisture content of 12 %. 6. If the preparation contains a technological additive or feed materials for which a maximum content is set or which is subject to other restrictions, the feed additive manufacturer shall provide this information to the customers.	28 February 2024

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/authorisation/evaluation_reports/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 122/2014

of 7 February 2014

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 February 2014.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	IL	85,7
	MA	52,0
	TN	74,1
	TR	93,5
	ZZ	76,3
0707 00 05	TR	123,0
	ZZ	123,0
0709 91 00	EG	91,5
	ZZ	91,5
0709 93 10	MA	39,1
	TR	120,6
	ZZ	79,9
0805 10 20	EG	50,1
	MA	53,1
	TN	54,3
	TR	73,6
	ZZ	57,8
0805 20 10	IL	121,4
	MA	74,6
	ZZ	98,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	60,3
	IL	128,7
	JM	113,2
	KR	144,2
	MA	142,6
	PK	55,3
	TR	98,5
	ZZ	106,1
0805 50 10	TR	78,1
	ZZ	78,1
0808 10 80	CN	95,7
	MK	35,4
	US	163,7
	ZZ	98,3
0808 30 90	CL	123,5
	CN	46,0
	TR	122,0
	US	134,7
	ZA	119,7
	ZZ	109,2

(1) Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 123/2014

of 7 February 2014

fixing the allocation coefficient to be applied to applications for import licences for olive oil lodged from 3 to 4 February 2014 under the Tunisian tariff quota and suspending the issue of import licences for the month of February 2014

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [1], and in particular Article 188 thereof,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [2], and in particular Article 7(2) thereof,

Whereas:

(1) Article 3(1) and (2) of Protocol No 1 [3] to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part [4], opens a tariff quota at a zero rate of duty for imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the European Union, up to the limit laid down for each year.

(2) Article 2(2) of Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia [5] lays down monthly quantitative limits for the issue of import licences.

(3) Import licence applications have been submitted to the competent authorities under Article 3(1) of Regulation (EC) No 1918/2006 in respect of a total quantity exceeding the limit laid down for the month of February in Article 2(2) of that Regulation.

(4) In these circumstances, the Commission must set an allocation coefficient allowing import licences to be issued in proportion to the quantity available.

(5) Since the limit for the month of February has been reached, no more import licences can be issued for that month,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications were lodged for 3 and 4 February 2014 under Article 3(1) of Regulation (EC) No 1918/2006 shall be multiplied by an allocation coefficient of 20,275606 %.

The issue of import licences in respect of amounts applied for as from 5 February 2014 shall be suspended for February 2014.

Article 2

This Regulation shall enter into force on 8 February 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 February 2014.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

[1] OJ L 347, 20.12.2013, p. 671.
[2] OJ L 238, 1.9.2006, p. 13.
[3] OJ L 97, 30.3.1998, p. 57.
[4] OJ L 97, 30.3.1998, p. 2.
[5] OJ L 365, 21.12.2006, p. 84.

DECISIONS

COUNCIL DECISION

of 28 January 2014

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Latvijas Banka

(2014/68/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2013/42 of the European Central Bank of 15 November 2013 to the Council of the European Union on the external auditors of the Latvijas Banka [1],

Whereas:

(1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.

(2) Pursuant to Article 1 of Council Decision 2013/387/EU [2], Latvia fulfils the necessary conditions for the adoption of the euro, and the derogation in favour of Latvia referred to in Article 4 of the 2003 Act of Accession [3] is abrogated with effect from 1 January 2014.

(3) The Governing Council of the ECB recommended that SIA Ernst & Young Baltic be appointed as the external auditors of the Latvijas Banka for the financial year 2014.

(4) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Council Decision 1999/70/EC [4] accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is added to Article 1 of Decision 1999/70/EC:

'18. SIA Ernst & Young Baltic are hereby approved as the external auditors of the Latvijas Banka for the financial year 2014.'.

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 28 January 2014.

For the Council
The President
G. STOURNARAS

[1] OJ C 342, 22.11.2013, p. 1.
[2] Council Decision 2013/387/EU of 9 July 2013 on the adoption by Latvia of the euro on 1 January 2014 (OJ L 195, 18.7.2013, p. 24).
[3] OJ L 236, 23.9.2003, p. 33.
[4] Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

COMMISSION DECISION

of 6 February 2014

authorising Sweden and the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council

(notified under document C(2014) 559)

(Text with EEA relevance)

(2014/69/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC [1], and in particular Article 14(6) thereof,

Whereas:

(1) A number of Member States requested to apply derogations to the common aviation safety rules contained in rules implementing Regulation (EC) No 216/2008. Pursuant to Article 14(6) of that Regulation, the Commission services assessed the need for, and the level of protection emerging from, the derogations requested, based on recommendations from EASA. The Commission concluded that the variation would provide a level of protection equivalent to the one attained by application of the common aviation safety rules, provided certain conditions are met. The assessment of each derogation, and the conditions attached to their application, are described in separate Annexes to this Decision authorising these derogations.

(2) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a derogation granted to one Member State shall be notified to all Member States, which shall also be entitled to apply that derogation. This Decision should therefore be addressed to all Member States. The description of each derogation, as well as the conditions attached to it, should be such as to enable other Member States to apply that measure when they are in the same situation, without requiring a further approval from the Commission. Nevertheless, Member States should notify the application of derogations, as they may have effects outside that Member State.

(3) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Governments of Sweden and the United Kingdom may grant approvals derogating from certain implementing rules under Regulation (EC) No 216/2008, as specified in the Annexes to this Decision.

Article 2

All Member States shall be entitled to apply the measures referred to in Article 1, as specified in the Annexes to this Decision. Member States shall notify the Commission, the Agency and the national aviation authorities thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 February 2014.

For the Commission

Siim KALLAS

Vice-President

[1] OJ L 79, 19.3.2008, p. 1.

ANNEX I

Derogation by the United Kingdom from Commission Regulation (EU) No 1178/2011 [1] with respect to the Synthetic Flight Instructor (SFI) privileges

1. DESCRIPTION OF THE REQUEST

Provision FCL.905.SFI(a) in Part-FCL stipulates that the privileges of an SFI are to carry out synthetic flight instruction, within the relevant aircraft category, for: '(a) the issue, revalidation and renewal of an IR, provided that he/she holds or has held an IR in the relevant aircraft category and has completed an IRI training course', and (IRI) course.

By a letter received by the Commission on 27 November 2012, the Government of the United Kingdom (UK) notified the Commission and EASA of their intention to derogate from FCL.905.SFI(a) of Regulation (EU) No 1178/2011 (the Aircrew Regulation), on the basis of Article 14(6) of Regulation (EC) No 216/2008 (the Basic Regulation).

The UK proposed to separate the requirement for the IRI course and the privilege to instruct for an initial IR from the other SFI requirements and to allow SFI, who have not completed IRI training, to provide training for the revalidation and renewal of the type-specific IR.

2. ASSESSMENT OF THE REQUEST

2.1. **Need**

Currently there is an insufficient number of flight instructors qualified to provide the training courses and not enough IRI courses are approved that would enable prospective SFIs to become qualified. The competent authority of UK emphasised that the requirement to attend an IRI course creates an unintended burden due to the insufficient number of flight instructors. This may be remedied by allowing SFIs that have not completed the IRI training course to provide training for the revalidation and renewal of the type-specific IR. The Agency considered that the UK has sufficiently demonstrated the need to derogate from the requirements of FCL.905.SFI.

2.2. **Equivalency of the level of protection**

As Part-FCL is written, the completion of the IRI course is a general requirement and applies to all instruction privileges of the SFI in relation to the IR. It therefore applies also to the privileges to instruct for the revalidation and renewal of the type-specific IR, as well as to the additional privileges to provide instruction for the initial grant of an IR.

The UK emphasised that an equivalent level of protection is maintained by the intended derogation because this derogation would restore the JAR-FCL standard.

Furthermore, the UK proposed to require the IRI course only for the privilege to instruct for an initial IR and to limit the privileges of SFIs who did not undergo this course to the training for revalidation or renewal of a type rating including the type specific IR. In order to be allowed to provide this training without having attended the full IRI course the UK proposed that the SFI has passed a proficiency check for the aircraft type including the instrument rating within the last 12 months. An SFI with this qualification who has not attended the full IRI course shall not instruct for the initial issue of any instrument rating, or for the revalidation or renewal of an instrument rating that is not associated with the revalidation or renewal of a type rating.

The Agency, having reviewed the amended derogation request, concluded that the UK is correct in stating that the privileges of the SFI have been changed in Part-FCL compared to JAR-FCL. The new requirement asking the SFI to attend an IRI course if flight instruction for the IR will be carried out has been added as an additional condition because it was seen as necessary for the extension of privileges.

[1] Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1).

The Agency agreed with the assessment of the UK that the proposed derogation provides for an equivalent level of protection to that attained by the application of Part-FCL, since it will not allow this specific group of SFIs to conduct training for the renewal and revalidation of a general IR without having participated in an IRI course but will only allow them to provide training for the revalidation and renewal of the type-specific IR.

3. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from FCL.905.SFI(a) of Regulation (EU) No 1178/2011, allow SFIs to provide training for the revalidation and renewal of the type-specific IR without having completed the IRI training.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

An SFI with this qualification shall not conduct training for the renewal and revalidation of a general IR without having participated in an IRI course.

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions described in point 4 are met.

ANNEX II

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to the Synthetic Flight Examiner (SFE) privileges

1. DESCRIPTION OF THE REQUEST

Provision FCL.1005.SFE(a)(2) stipulates that the privileges of an SFE on aeroplanes or powered-lift aircraft are to conduct in an FFS: '(…) proficiency checks for revalidation or renewal of IRs, provided that the SFE complies with the requirements in FCL.1010.IRE for the applicable aircraft category'.

By a letter received by the Commission on 27 November 2012, the Government of the United Kingdom (UK) notified the Commission and EASA of their intention to derogate from FCL.1005.SFE(a)(2) of Regulation (EU) No 1178/2011 (the Aircrew Regulation), on the basis of Article 14(6) of Regulation (EC) No 216/2008 (the Basic Regulation).

The UK proposed to create a new category of SFEs with privileges to examine for the revalidation and renewal of an IR when connected to a type rating by separating the requirement for the IRI/IRE from the other SFE requirements and limiting the privileges to the revalidation or renewal of a type rating including the type specific IR.

2. ASSESSMENT OF THE REQUEST

2.1. **Need**

Currently there is not enough courses approved that would enable prospective SFEs to become qualified. The UK emphasised that this requirement will create an unintended burden by stating that currently there is no adequately trained resources. This may be remedied by allowing SFEs that have not complied with the requirements for the IRE to conduct proficiency checks for revalidation and renewal of the type-specific IR. The Agency considered that the UK has sufficiently demonstrated the need to derogate from the requirements of FCL.1005.SFE.

2.2. **Equivalency of the level of protection**

The UK justified the intended derogation by referring to the equivalent JAR-FCL requirement and identifying a change regarding the privileges of this examiner category as well as the conditions to be fulfilled by the applicant. The UK emphasised that under the JAR system many national authorities allowed the Synthetic Flight Examiner (SFE) to examine for the revalidation or renewal of the instrument flying privileges that are associated with the type rating; i.e. the revalidation or renewal of a type rating combined with the type-specific instrument rating (IR). SFEs were not permitted to examine for the general non-type-specific IR or for the initial grant of the type-specific IR privileges.

The UK further pointed out, that based on the increased privileges of the SFE, Part-FCL requires that an SFE must have complied with the requirements applicable to an Instrument Rating Examiner (IRE), which includes the requirement to hold an Instrument Rating Instructor (IRI) certificate. As Part-FCL is written, this requirement is a general prerequisite and applies therefore to all of the IR examining privileges of the SFE. It applies to the privileges for the revalidation and renewal of type-specific IRs as well as for the new privileges to examine for the initial grant of any IR.

The UK highlighted that an equivalent level of protection is maintained by the intended derogation because this derogation would restore the JAR-FCL standard.

The Agency, having reviewed the derogation request, concluded that the UK is correct in stating that the requirement FCL.1005.SFE does in fact not contain any privilege for the SFE to carry out a skill-test for the initial issue of an IR in an FFS, but is limited to the revalidation and renewal of the IR (see paragraph (a)(2)). Furthermore, the UK stated correctly that under JAR-FCL the SFE privilege allowed to conduct proficiency checks for the revalidation or renewal of the IR. The UK was also right when stating that the SFE under JAR-FCL was not required to also fulfil the IRE/IRI requirements. It is correct that the privileges of the SFE have been changed compared to JAR-FCL.

In order to include the privilege to examine for the revalidation or renewal of a combined type rating and IR without having complied with the requirements for the IRE the UK proposed that the SFE has passed a proficiency check for the aircraft type including the instrument rating within the last 12 months. An SFE with this qualification shall not examine for the initial issue of any instrument rating, or for the revalidation or renewal of an instrument rating that is not associated with a revalidation or renewal of a type rating.

Based on the review performed, the Agency agreed with the assessment of the UK that the proposed derogation provides for an equivalent level of protection to that attained by the application of Part-FCL, since it will not allow this specific group of SFEs to examine for the renewal and revalidation of an IR without having participated in an IRI course but will give them the privilege to examine for the revalidation and renewal of the type-specific IR.

3. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from FCL.1005.SFE(a)(2) of Regulation (EU) No 1178/2011, allow SFEs to conduct proficiency checks for revalidation and renewal of the type-specific IR without having complied with the requirements applicable to an Instrument Rating Examiner (IRE), which includes the requirement to hold an Instrument Rating Instructor (IRI) certificate.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

A SFE with this qualification shall not examine for the initial issue of any instrument rating, or for the revalidation or renewal of an instrument rating that is not associated with a revalidation or renewal of a type rating.

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions described in point 4 are met.

ANNEX III

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to the restricted privileges of a Synthetic Flight Instructor (SFI) and the means by which those restrictions may be removed

1. DESCRIPTION OF THE REQUEST

Provision FCL.910.SFI(b) stipulates that for the extension of the SFI privileges to simulators representing additional aircraft types the SFI must be examined by a Type Rating Examiner (TRE). Part-FCL does not allow an SFE who is qualified on the type to conduct the test to add an additional type to the SFI privileges.

By a letter received on 27 November 2012, the Government of the United Kingdom (UK) notified the Commission and EASA of their intention to derogate from FCL.910.SFI(b) of Regulation (EU) No 1178/2011 (the Aircrew Regulation), on the basis of Article 14(6) of Regulation (EC) No 216/2008 (the Basic Regulation).

The UK asked for this derogation in order to allow the SFE not only to conduct tests in the case of the initial issue of the SFI certificate but to extend the privileges to allowing the SFE to test the SFI for any additional type.

2. ASSESSMENT OF THE REQUEST

2.1. **Need**

It is necessary to allow SFE not only to conduct tests in the case of the initial issue of the SFI certificate but to extend the privileges to allowing the SFE to test the SFI for any additional type as otherwise it will impose an unnecessary burden on the industry due to the lack of qualified staff. The Agency agreed with the justification provided by the UK on the need to grant this derogation.

2.2. **Equivalency of the level of protection**

The UK justified the intended derogation by stating that there would be no detrimental effect on the level of protection caused by this extension of privileges.

Based on the review performed, the Agency agreed with the assessment of the UK that an equivalent level of protection is maintained by the intended derogation as Part-FCL already allows the SFE to test the SFI for the aircraft type included in the initial issue of the SFI certificate.

3. DESCRIPTION OF THE DEROGATION

The United Kingdom may derogate from FCL.910.SFI(b) of Regulation (EU) No 1178/2011, allow the SFE not only to conduct tests in the case of the initial issue of the SFI certificate but to extend the privileges to allowing the SFE to test the SFI for additional types.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

The privileges of the SFI may be extended to other FSTDs representing further types of the same of the same category of aircraft when the holder has:

— satisfactorily completed the simulator content of the relevant type rating course, and

— conducted on a complete type rating course at least 3 hours of flight instruction related to the duties of an SFI on the applicable type under the supervision and to the satisfaction of a TRE or SFE qualified for this purpose.

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions described in point 4 are met.

ANNEX IV

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to the privileges and conditions for the Synthetic Flight Instructor (SFI)

1. DESCRIPTION OF THE REQUEST

Provision FCL.905.SFI Annex I to Regulation (EU) No 1178/2011 establishes the privileges of the Synthetic Flight Instructor (SFI) and does not allow the SFI to provide instruction to applicants for the SFI certificate. Part-FCL gives the privilege to provide this instruction only to holders of a Type Rating Instructor (TRI) certificate, provided that they have at least 3 years of experience as TRI (FCL905.TRI(b)).

By letter of 27 November 2012, the Government of the United Kingdom (UK) notified the Commission and EASA of their intention to derogate from this provision of Regulation (EU) No 1178/2011 (the Aircrew Regulation), on the basis of Article 14(6) of Regulation (EC) No 216/2008.

The UK proposed to grant holders of an SFI certificate the privilege to provide instruction for applicants for an SFI certificate without meeting the requirement to have at least 3 years of experience as TRI.

2. EVALUATION OF THE REQUEST

2.1. **Need**

The UK informed that they interpreted JAR-FCL in the past as allowing SFIs to act as tutors on SFI courses after having conducted a specific tutor course followed by an assessment of competence. The UK further described that with the implementation of Part-FCL and the introduction of a more specific wording the privilege to teach applicants for an SFI certificate is granted only to Type Rating Instructors (TRIs) with 3 years of experience as TRIs. In the UK many SFI certified by the UK and working in the role of teaching applicants for an SFI certificate cannot comply with the requirement to become a TRI with 3 years of experience. They will therefore be unable to continue to act as tutors in SFI courses. The UK further specified that many of the current SFIs would be unable to fulfil the TRI requirements for medical reasons.

The UK concluded, based on an assessment of the actual situation, that there is an insufficient number of TRIs to teach a sufficient number of applicants for an SFI certificate and to meet the industry's training needs. As a result, there will be a shortage of qualified instructors to provide this training which would cause a serious disruption to the training of pilots, particular in the business/corporate aircraft domain. It is therefore necessary to grant the privilege to the SFI that do not fulfil the requirement of having at least 3 years of experience as TRI, to provide instruction for the SFI applicants. The Agency agreed with the justification provided by the UK on the need for this derogation.

2.2. **Equivalency of the level of protection**

In addition, the UK identified an inconsistency in Part-FCL as the Synthetic Flight Examiner (SFE), who must hold an SFI certificate, will have the privilege to conduct assessments of competence for the issue, revalidation or renewal of an SFI certificate but, at the same time, will not be allowed to instruct these SFIs. The fact that an SFE, being also an SFI, cannot teach a pilot to become an SFI but may examine the SFI is identified as an inconsistency in Part-FCL, because all examiners under the Part-FCL system have the privilege to instruct for the certificates, ratings and licences for which he/she is authorised to conduct examinations.

Part-FCL reflects the JAR-FCL system where the instruction of applicants for an SFI certificate was supposed to be only undertaken by a TRI. Having reviewed the proposals on how the UK intends to further qualify the SFI for such task, the Agency agreed with the assessment of the UK that an equivalent level of protection to that attained by the application of Part-FCL is achieved by the intended derogation, specifically with the additional training and checking requirements suggested by the UK.

It should be highlighted however, that the UK foresees this specific tutor course also for TRIs wishing to provide such training. As Part-FCL already provides this privilege for the TRI wishing to instruct for an SFI certificate if he/she fulfils the 3-year experience requirement such a specific tutor course for the TRI is not required. These courses should therefore only be provided to SFIs.

3. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from FCL.905.SFI grant the privilege to the SFIs that do not fulfil the requirement of having at least 3 years of experience as TRI, to provide instruction for the SFI applicants.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

Such SFIs shall have at least 3 years of experience of instruction as an SFI, shall complete a specific 2-day SFI tutor course provided by an SFI tutor and shall pass an assessment of competence.

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions attached are met.

ANNEX V

Derogation by the United Kingdom from Regulation (EU) No 1178/2011 with respect to revalidation and renewal of an Instrument Rating (IR)

1. DESCRIPTION OF THE REQUEST

Provision FCL.625(c) and (d) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 reads:

'(c) Renewal. If an IR has expired, in order to renew their privileges applicants shall:

(1) go through refresher training at an ATO to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and

(2) complete a proficiency check in accordance with Appendix 9 to this Part, in the relevant aircraft category.

(d) If the IR has not been revalidated or renewed within the preceding 7 years, the holder will be required to pass again the IR theoretical knowledge examination and skill test.'

By letter of 18 March 2013, the Government of the United Kingdom (UK) notified the Commission and EASA of their intention to derogate from this provision of Regulation (EU) No 1178/2011 on the basis of Article 14(6) of Regulation (EC) No 216/2008.

2. ASSESSMENT OF THE REQUEST

2.1. **Need**

It is necessary to allow the holders of licences issued in accordance with Part-FCL with the ICAO compliant IR held on a 3rd country licence to maintain their privileges without the need of re-taking the theoretical knowledge examinations. The Aircrew Regulation does not address this situation, which creates an unnecessary burden on licence holders.

2.2. **Equivalency of the level of protection**

The UK believes that the requirements of FCL.625(d) were created for the case where a licence holder ceases to fly under Instrument Flight Rules (IFR) for 7 years. The rule does not take into account the possibility that the licence holder may have been flying under IFR using an IR held on a 3rd country licence during the 7 year period which has been renewed during that period and which is therefore valid.

The Agency, having reviewed the derogation request, agreed with the UK that it is disproportionate to require a pilot who has a current, or recently lapsed, ICAO Annex 1 compliant IR issued by a third country, to re-take the theoretical knowledge examinations needed to renew a European IR that has lapsed by more than 7 years; i.e. it is not appropriate to apply the same requirements to a pilot with recent IFR experience as it would be applied to a pilot who has not flown under IFR for more than 7 years.

The Agency agrees with the reasoning provided by the UK. The rule does not take into account the possibility that the licence holder may have been flying under IFR using an IR held on a 3rd country licence during the 7-year period which has been renewed during that period and which is therefore valid. The intended derogation would concern holders of licences in accordance with Part-FCL that include the ICAO compliant IR. If such pilots after a certain time stop to fly on that licence but continue to fly on an ICAO based third country licence that includes an IR and would request then to renew their IR on the European licence they would only have to fulfil the revalidation criteria contained in FCL.625(b) based on the current and valid third country IR. This means that the rating holder must pass the proficiency check, but will not be required to undergo training or to re-take the theoretical knowledge examinations. In the case of a pilot who held a third country IR that is not any longer valid but has been revalidated or renewed within the preceding 7 years the rating holder shall comply with the renewal requirements in FCL.625(c), but will also not be required to re-take the theoretical knowledge examinations. The Agency considers that this provides a level of safety equivalent to that provided by Part-FCL.

3. DESCRIPTION OF THE DEROGATION

The United Kingdom may, by derogation from Provision FCL.625(c) and (d) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 allow the holders of licences issued in accordance with Part-FCL to maintain their privileges in relation to an IR held on 3rd country licence without the need of re-taking the theoretical knowledge examinations.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to holders of licences issued in accordance with Part-FCL provided that an IR held on 3rd country licence is ICAO compliant.

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions described in point 4 are met.

ANNEX VI

Derogation by Sweden from the Regulation (EU) No 748/2012 [1] with respect to the existing provisions regarding the issuance of certificates of airworthiness for imported aircraft

1. DESCRIPTION OF THE REQUEST

In accordance with point 21.A.174(b)3(ii) of Annex I (Part-21) to Regulation (EU) No 748/2012, each application for a certificate of airworthiness, for an aircraft imported from a third country, shall include a statement by the competent authority of the State where the aircraft is or was registered, reflecting the airworthiness status of the aircraft on its register at the time of transfer.

By letter of 24 January 2011, the Swedish Transport Agency notified the Commission and EASA of their intention to derogate from the provisions of Commission Regulation (EC) No 1702/2003 [2] (repealed by Regulation (EU) No 748/2012) and to waive the requirement to include such a statement.

2. ASSESSMENT OF THE REQUEST

2.1. **Need**

Sweden has identified a need to derogate from this rule, because in some cases such a statement is not available and cannot be obtained.

2.2. **Equivalency of the level of protection**

The intent of requiring the statement by the competent authority of the State where the aircraft is, or was, registered, reflecting the airworthiness status of the aircraft on its register at time of transfer when an aircraft is imported into an EASA state is to enable the importing State to verify that the aircraft conforms to a type design approved under an EASA type-certificate, that any supplemental type-certificate, change or repair had been approved in accordance with Annex I (Part-21) to Regulation (EU) No 748/2012, and that the applicable airworthiness directives had been implemented.

The measure proposed by the Swedish Government to waive the requirement to include such as statement can provide for a level of protection equivalent to that prescribed by the applicable implementing rules in Annex I (Part-21) to Regulation (EU) No 748/2012 related to the necessary documents for the issuance of a certificate of airworthiness for a used aircraft imported from a non-EU state provided other means are used to achieve the required assurance. Those means are described under point 4.

3. DESCRIPTION OF THE DEROGATION

Sweden may accept applications for a certificate of airworthiness, for an aircraft imported from a third country, without a statement by the competent authority of the State where the aircraft is or was registered, reflecting the airworthiness status of the aircraft on its register at the time of transfer.

This derogation shall apply until amendment so resolve this issue, as part of the rulemaking task RMT.0020, of Subpart H (Certificate of Airworthiness and Restricted Certificates of Airworthiness) of Annex I (Part-21) to Regulation (EU) No 748/2012, is adopted and becomes applicable.

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

The competent authority shall examine the aircraft documentation and inspect the aircraft to verify that:

— the historical records of the aircraft are complete and sufficient to establish the production and modification standard,

[1] Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

[2] Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 243, 27.9.2003, p. 6).

— the aircraft was produced in accordance with the type design that was the basis for the EASA type certificate. For that purpose the historical records shall include a copy of the first certificate of airworthiness or export certificate issued for the new aircraft. Alternatively the applicant for the certificate of airworthiness can obtain a statement from the type certificate holder endorsed by the State of Design regarding the production status,

— the aircraft conforms to a type design approved under a type certificate,

— any supplemental type certificate, change or repairs are approved in accordance with Annex I (Part-21) to Regulation (EU) No 748/2012,

— the applicable airworthiness directives have been implemented.

Finally the competent authority shall establish that the results of its investigation are consistent with the results of the investigation by the organisation performing the airworthiness review in accordance with Annex I (Part M) to Commission Regulation (EC) No 2042/2003 [1].

5. GENERAL APPLICABILITY OF THE DEROGATION

All Member States may apply this derogation provided that the conditions described in point 4 are met.

[1] Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 315, 28.11.2003, p. 1).

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 22 January 2014

on minimum principles for the exploration and production of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing

(2014/70/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) Member States have the right to determine the conditions for exploiting their energy resources, as long as they respect the need to preserve, protect and improve the quality of the environment.

(2) In the current state of technological development, the exploration and production of hydrocarbons, such as shale gas, requires the combined use of high-volume hydraulic fracturing and directional (especially horizontal) drilling at a scale and intensity for which there is very limited experience in the Union. This hydraulic fracturing technique raises specific challenges, in particular for health and environment.

(3) In its resolutions of 21 November 2012 the European Parliament noted the significant potential benefits of producing shale gas and oil, and called on the Commission to introduce an Union-wide risk management framework for the exploration and extraction of unconventional fossil fuels, with a view to ensuring that harmonised provisions for the protection of human health and the environment apply across all Member States.

(4) In its conclusions of 22 May 2013 the European Council stressed the need to diversify Europe's energy supply and develop indigenous energy resources to ensure the security of supply, reduce the Union's external energy dependency and stimulate economic growth. The Council acknowledged the Commission's intention to assess a more systematic recourse to indigenous sources of energy with a view to their safe, sustainable and cost-effective exploitation while respecting Member States choices of energy mix.

(5) In its Communication to the Council and the European Parliament on the exploration and production of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing in the EU [1], the Commission outlined the potential new opportunities and challenges related to unconventional hydrocarbon extraction in the Union as well as the main elements deemed necessary to ensure the safety of this technique. The Communication concluded that there is a need for a Recommendation that lays down minimum principles that support Member States in the exploration and production of natural gas from shale formations and ensure that the climate and environment are safeguarded, resources are used efficiently, and the public is informed.

(6) At international level, the International Energy Agency developed recommendations for the safe development of unconventional gas. These 'Golden Rules' call for robust and appropriate regulatory regimes, careful site selection, adequate project planning, underground risk characterisation, robust rules for well design, transparency on operations and monitoring of associated impacts, sound water and waste management and mitigation of air and greenhouse gas emissions.

(7) Both general and environmental legislation of the Union apply to hydrocarbon exploration and production operations involving high-volume hydraulic fracturing. In particular, Council Directive 89/391/EEC [2] laying down provisions on health and safety of workers introduces measures to encourage improvements in the safety and health of workers at work; Council Directive 92/91/EEC [3] laying down provisions on the mineral extraction through drilling lays down minimum requirements for the safety and health protection of workers in the mineral-extracting industries through

[1] COM(2014) 23.

[2] Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

[3] Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 9).

drilling; Directive 94/22/EC of the European Parliament and of the Council [1] on conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons requires to grant authorisations in a non-discriminatory manner; Directive 2000/60/EC of the European Parliament and of the Council [2] establishing the water framework requires the operator to obtain authorisation for water abstraction and prohibits the direct discharge of pollutants into groundwater; Directive 2001/42/EC of the European Parliament and of the Council [3] laying down provisions on strategic environmental assessment requires assessment of plans and programmes in the areas of energy, industry, waste management, water management, transport or land use; Directive 2004/35/EC of the European Parliament and of the Council [4] laying down provisions on the environmental liability applies to occupational activities encompassing activities such as the management of waste and water abstraction; Directive 2006/21/EC of the European Parliament and of the Council [5] laying down provisions on mining waste regulates the management of surface and underground wastes resulting from the exploration and production of hydrocarbons using high-volume hydraulic fracturing; Directive 2006/118/EC of the European Parliament and of the Council [6] laying down provisions on groundwater obliges Member States to put in place measures that prevent or limit the input of pollutants into groundwater; Regulation (EC) No 1907/2006 of the European Parliament and of the Council [7] on the registration, evaluation, authorisation and restriction of chemicals (REACH) and Regulation (EU) No 528/2012 of the European Parliament and of the Council [8] on the making available on the market and use of biocidal products apply to the use of chemicals and biocidal products that may be used for fracturing; Directive 2008/98/EC of the European Parliament and of the Council [9] laying down waste framework sets out the conditions applicable to the reusing the fluids that emerge at the surface following high-volume hydraulic fracturing and during production; Regulation (EU) No 525/2013 of the European Parliament and of the Council [10] on a mechanism for monitoring and reporting greenhouse gas emissions and Decision No 406/2009/EC of the European Parliament and of the Council [11] on the effort of Member States to reduce their greenhouse gas emissions up to 2020 apply to fugitive methane emissions; Directive 2010/75/EU of the European Parliament and of the Council [12] laying down provisions on industrial emissions applies to installations within which activities listed in Annex I to that Directive are operated; Directive 2011/92/EU of the European Parliament and of the Council [13] laying down provisions on environment impact assessment requires to conduct an environment impact assessment for projects involving the extraction of petroleum and natural gas for commercial purposes if the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 m^3 per day in the case of gas and a screening for deep-drilling projects and surface installations for extracting oil and gas; Council Directive 96/82/EC [14] on the control of major-accident hazards involving dangerous substances and, as of 1 June 2015, Directive 2012/18/EU of the European Parliament and of the Council [15] oblige operators of establishments where dangerous substances are present above certain thresholds defined in Annex I to these Directives to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment. This applies, inter alia, to chemical and thermal processing operations and related storage in

(1) Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons (OJ L 164, 30.6.1994, p. 3).

(2) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

(3) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

(4) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

(5) Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ L 102, 11.4.2006, p. 15).

(6) Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).

(7) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

(8) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

(9) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

(10) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

(11) Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

(12) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

(13) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

(14) Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ L 10, 14.1.1997, p. 13).

(15) Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

the framework of the exploitation of minerals in mines and quarries as well as to onshore underground gas storage.

(8) However, the Union's environmental legislation was developed at a time when high-volume hydraulic fracturing was not used in Europe. Therefore, certain environmental aspects associated with the exploration and production of hydrocarbons involving this practice are not comprehensively addressed in current Union legislation, in particular on strategic planning, underground risk assessment, well integrity, baseline and operational monitoring, capturing methane emissions and disclosure of information on chemicals used on a well by well basis.

(9) Therefore, there is a need to lay down minimum principles which should be taken into account by the Member States when applying or adapting their regulation related to activities involving high-volume hydraulic fracturing. A set of rules would level the playing field for operators, and improve investors' confidence and the functioning of the single energy market. Clear and transparent rules would also help alleviate public concerns, and possibly opposition to shale gas development. This set of rules neither implies that Member States are under any obligation to pursue the exploration or exploitation of activities using high-volume hydraulic fracturing if they choose not to nor that Member States are prevented from maintaining or introducing more detailed measures matching the specific national, regional or local conditions.

(10) There is no experience with the permitting of production of hydrocarbons using high-volume hydraulic fracturing and limited experience with the permitting of exploration in the Union. Therefore, it is necessary to monitor the application of Union legislation and of this Recommendation in Member States. An updating of this Recommendation or the development of legally binding provisions may be necessary in view of technical progress, the need to address risks and impacts of exploration and production of hydrocarbons using techniques other than high-volume hydraulic fracturing, unexpected challenges in the application of Union legislation or exploration and production of hydrocarbons using high-volume hydraulic fracturing in offshore operations.

(11) Therefore, this Recommendation laying down minimum principles to be applied as a common basis for the exploration or production of hydrocarbons with high-volume hydraulic fracturing is necessary at this point of time. It is complementary to existing Union legislation applicable to projects involving high-volume hydraulic fracturing and should be implemented by Member States within 6 months.

(12) This recommendation respects the rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and notably the right to life and the right to the integrity of the person, the freedom of expression and information, the right to conduct a business, the right to property, and the high-level of health and environmental protection. This recommendation has to be implemented in accordance with these rights and principles,

HAS ADOPTED THIS RECOMMENDATION:

1. **PURPOSE AND SUBJECT MATTER**

1.1. This Recommendation lays down the minimum principles needed to support Member States who wish to carry out exploration and production of hydrocarbons using high-volume hydraulic fracturing, while ensuring that the public health, climate and environment are safeguarded, resources are used efficiently, and the public is informed.

1.2. In applying or adapting their existing provisions implementing relevant Union legislation to the needs and specificities of exploration and production of hydrocarbons using high-volume hydraulic fracturing, Member States are encouraged to apply these principles, which concern planning, installation assessment, permits, operational and environmental performance and closure, and public participation and dissemination of information.

2. **DEFINITIONS**

For the purpose of this Recommendation:

(a) 'high-volume hydraulic fracturing' means injecting 1 000 m^3 or more of water per fracturing stage or 10 000 m^3 or more of water during the entire fracturing process into a well;

(b) an 'installation' includes any related underground structures designated for the exploration or production of hydrocarbons using high-volume hydraulic fracturing.

3. **STRATEGIC PLANNING AND ENVIRONMENTAL IMPACT ASSESSMENT**

3.1. Before granting licenses for exploration and/or production of hydrocarbons which may lead to the use of high-volume hydraulic fracturing, Member States should prepare a strategic environmental assessment to prevent, manage and reduce the impacts on, and risks for, human health and the environment. This assessment should be carried out on the basis of the requirements of Directive 2001/42/EC.

3.2. Member States should provide clear rules on possible restrictions of activities, for example in protected, flood-prone or seismic-prone areas, and on minimum distances between authorised operations and residential and water-protection areas. They should also establish minimum depth limitations between the area to be fractured and groundwater.

3.3. Member States should take the necessary measures to ensure that an environmental impact assessment is carried out on the basis of the requirements of Directive 2011/92/EU.

3.4. Member States should provide the public concerned with early and effective opportunities to participate in developing the strategy referred to in point 3.1 and the impact assessment referred to in point 3.3.

4. **EXPLORATION AND PRODUCTION PERMITS**

Member States should ensure that the conditions and the procedures for obtaining permits in accordance with applicable Union legislation are fully coordinated if:

(a) more than one competent authority is responsible for the permit(s) needed;

(b) more than one operator is involved;

(c) more than one permit is needed for a specific project phase;

(d) more than one permit is needed under national or Union legislation.

5. **SELECTION OF THE EXPLORATION AND PRODUCTION SITE**

5.1. Member States should take the necessary measures to ensure that the geological formation of a site is suitable for the exploration or production of hydrocarbons using high-volume hydraulic fracturing. They should ensure that operators carry out a characterisation and risk assessment of the potential site and surrounding surface and underground area.

5.2. The risk assessment should be based on sufficient data to make it possible to characterise the potential exploration and production area and identify all potential exposure pathways. This would make it possible to assess the risk of leakage or migration of drilling fluids, hydraulic fracturing fluids, naturally occurring material, hydrocarbons and gases from the well or target formation as well as of induced seismicity.

5.3. The risk assessment should:

(a) be based on the best available techniques and take into account the relevant results of the information exchange between Member States, industries concerned and non-governmental organisations promoting environmental protection organised by the Commission;

(b) anticipate the changing behaviour of the target formation, geological layers separating the reservoir from groundwater and existing wells or other manmade structures exposed to the high injection pressures used in high-volume hydraulic fracturing and the volumes of fluids injected;

(c) respect a minimum vertical separation distance between the zone to be fractured and groundwater;

(d) be updated during operations whenever new data are collected.

5.4. A site should only be selected if the risk assessment conducted under points 5.1, 5.2 and 5.3 shows that the high-volume hydraulic fracturing will not result in a direct discharge of pollutants into groundwater and that no damage is caused to other activities around the installation.

6. **BASELINE STUDY**

6.1. Before high-volume hydraulic fracturing operations start, Member States should ensure that:

(a) the operator determines the environmental status (baseline) of the installation site and its surrounding surface and underground area potentially affected by the activities;

(b) the baseline is appropriately described and reported to the competent authority before operations begin.

6.2. A baseline should be determined for:

(a) quality and flow characteristics of surface and ground water;

(b) water quality at drinking water abstraction points;

(c) air quality;

(d) soil condition;

(e) presence of methane and other volatile organic compounds in water;

(f) seismicity;

(g) land use;

(h) biodiversity;

(i) status of infrastructure and buildings;

(j) existing wells and abandoned structures.

7. **INSTALLATION DESIGN AND CONSTRUCTION**

Member States should ensure that the installation is constructed in a way that prevents possible surface leaks and spills to soil, water or air.

8. **INFRASTRUCTURE OF A PRODUCTION AREA**

Member States should ensure that:

(a) operators or groups of operators apply an integrated approach to the development of a production area with the objective of preventing and reducing environmental and health impacts and risks, both for workers and the general public;

(b) adequate infrastructure requirements for servicing the installation are established before production begins. If an installation's primary purpose is producing oil using high-volume hydraulic fracturing, specific infrastructure that captures and transports associated natural gas should be installed.

9. **OPERATIONAL REQUIREMENTS**

9.1. Member States should ensure that operators use best available techniques taking into account the relevant results of the information exchange between Member States, industries concerned and non-governmental organisations promoting environmental protection organised by the Commission, as well as good industry practice to prevent, manage and reduce the impacts and risks associated with projects of exploration and production of hydrocarbons.

9.2. Member States should ensure that operators:

(a) develop project-specific water-management plans to ensure that water is used efficiently during the entire project. Operators should ensure the traceability of water flows. The water management plan should take into account seasonal variations in water availability and avoid using water sources under stress;

(b) develop transport management plans to minimise air emissions in general and the impacts on local communities and biodiversity in particular;

(c) capture gases for subsequent use, minimise flaring and avoid venting. In particular, operators should put in place measures to ensure that air emissions at the exploration and production stage are mitigated by capturing gas and its subsequent use. Venting of methane and other air pollutants should be limited to the most exceptional operational circumstances for safety reasons;

(d) carry out the high-volume fracturing process in a controlled manner and with appropriate pressure management with the objective to contain fractures within the reservoir and to avoid induced seismicity;

(e) ensure well integrity through well design, construction and integrity tests. The results of integrity tests should be reviewed by an independent and qualified third party to ensure the well's operational performance, and its environmental and health safety at all stages of project development and after well closure;

(f) develop risk management plans and the measures necessary to prevent and/or mitigate the impacts, and the measures necessary for response;

(g) stop operations and urgently take any necessary remedial action if there is a loss of well integrity or if pollutants are accidentally discharged into groundwater;

(h) immediately report to the competent authority in the event of any incident or accident affecting public health or the environment. The report should include the causes of the incident or accident, its consequences and remedial steps taken. The baseline study required under points 6.1 and 6.2 should be used as a reference.

9.3. Member States should promote the responsible use of water resources in high-volume hydraulic fracturing.

10. **USE OF CHEMICAL SUBSTANCES AND WATER IN HIGH-VOLUME HYDRAULIC FRACTURING**

10.1. Member States should ensure that:

(a) manufacturers, importers and downstream users of chemical substances used in hydraulic fracturing refer to 'hydraulic fracturing' when complying with their obligations under Regulation (EC) No 1907/2006;

(b) using chemical substances in high-volume hydraulic fracturing is minimised;

(c) the ability to treat fluids that emerge at the surface after high-volume hydraulic fracturing is considered during the selection of the chemical substances to be used.

10.2. Member States should encourage operators to use fracturing techniques that minimise water consumption and waste streams and do not use hazardous chemical substances, wherever technically feasible and sound from a human health, environment and climate perspective.

11. **MONITORING REQUIREMENTS**

11.1. Member States should ensure that the operator regularly monitors the installation and the surrounding surface and underground area potentially affected by the operations during the exploration and production phase and in particular before, during and after high-volume hydraulic fracturing.

11.2. The baseline study required under points 6.1 and 6.2 should be used as a reference for subsequent monitoring.

11.3. In addition to environmental parameters determined in the baseline study, Member States should ensure that the operator monitors the following operational parameters:

(a) the precise composition of the fracturing fluid used for each well;

(b) the volume of water used for the fracturing of each well;

(c) the pressure applied during high-volume fracturing;

(d) the fluids that emerge at the surface following high-volume hydraulic fracturing: return rate, volumes, characteristics, quantities reused and/or treated for each well;

(e) air emissions of methane, other volatile organic compounds and other gases that are likely to have harmful effects on human health and/or the environment.

11.4. Member States should ensure that operators monitor the impacts of high-volume hydraulic fracturing on the integrity of wells and other manmade structures located in the surrounding surface and underground area potentially affected by the operations.

11.5. Member States should ensure that the monitoring results are reported to the competent authorities.

12. **ENVIRONMENTAL LIABILITY AND FINANCIAL GUARANTEE**

12.1. Member States should apply the provisions on environmental liability to all activities taking place at an installation site including those that currently do not fall under the scope of Directive 2004/35/EC.

12.2. Member States should ensure that the operator provides a financial guarantee or equivalent covering the permit provisions and potential liabilities for environmental damage prior to the start of operations involving high-volume hydraulic fracturing.

13. **ADMINISTRATIVE CAPACITY**

13.1. Member States should ensure that the competent authorities have adequate human, technical and financial resources to carry out their duties.

13.2. Member States should prevent conflicts of interest between the regulatory function of competent authorities and their function relating to the economic development of the resources.

14. **CLOSURE OBLIGATIONS**

Member States should ensure that a survey is carried out after each installation's closure to compare the environmental status of the installation site and its surrounding surface and underground area potentially affected by the activities with the status prior to the start of operations as defined in the baseline study.

15. **DISSEMINATION OF INFORMATION**

Member States should ensure that:

(a) the operator publicly disseminates information on the chemical substances and volumes of water that are intended to be used and are finally used for the high-volume hydraulic fracturing of each well. This information should list the names and Chemical Abstracts Service (CAS) numbers of all substances and include a safety data sheet, if available, and the substance's maximum concentration in the fracturing fluid;

(b) the competent authorities should publish the following information on a publicly-accessible internet site within 6 months of this Recommendation's publication and in intervals of no longer than 12 months:

(i) the number of wells completed and planned projects involving high-volume hydraulic fracturing;

(ii) the number of permits granted, the names of operators involved and the permit conditions;

(iii) the baseline study produced under points 6.1 and 6.2 and the monitoring results produced under points 11.1, 11.2 and 11.3(b) to (e);

(c) the competent authorities should also inform the public of the following without undue delay.

(i) incidents and accidents under point 9.2(f);

(ii) the results of inspections, non-compliance and sanctions.

16. **REVIEW**

16.1. Member States having chosen to explore or exploit hydrocarbons using high-volume hydraulic fracturing are invited to give effect to the minimum principles set out in this Recommendation by 28 July 2014 and to annually inform the Commission about the measures they put in place in response to this Recommendation, and for the first time, by December 2014.

16.2. The Commission will closely monitor the Recommendation's application by comparing the situation in Member States in a publicly available scoreboard.

16.3. The Commission will review the Recommendation's effectiveness 18 months after its publication.

16.4. The review will include an assessment of the Recommendation's application, will consider the progress of the best available techniques information exchange and the application of the relevant BAT reference documents, as well as any need for updating the Recommendation's provisions. The Commission will decide whether it is necessary to put forward legislative proposals with legally-binding provisions on the exploration and production of hydrocarbons using high-volume hydraulic fracturing.

Done at Brussels, 22 January 2014.

For the Commission

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