



Council of the
European Union

Brussels, 30 November 2017
(OR. en)

15204/17

**Interinstitutional File:
2016/0222 (COD)**

LIMITE

**ASILE 96
CODEC 1967**

NOTE

From:	Presidency
To:	Delegations
No. Cion doc.:	11318/1/16 REV 1
Subject:	Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (first reading) - Mandate for negotiations with the European Parliament

Delegations will find in the annex the text of the mandate for negotiations with the European Parliament as agreed by the Permanent Representatives Committee at its meeting on 29 November 2017.

This mandate has been agreed upon on the understanding that it will be necessary to revisit some parts of the text relating in particular to the on-going discussions of other proposals of the CEAS.

2016/0222 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down standards for the reception of applicants for international protection (recast)¹

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(f) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

¹ Without prejudice to Ireland's right to opt in post-adoption as set out in Article 4 of Protocol 21 of the TFEU, Ireland has not opted into this proposal under Article 3 of Protocol 21 of the TFEU and as such does not have voting rights.

² OJ C , , p. .

³ OJ C , , p. .

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A number of amendments are to be made to Directive 2013/33/EU of the European Parliament and of the Council⁴. In the interests of clarity, that Directive should be recast.
- (2) A common policy on asylum, including a Common European Asylum System (CEAS), which is based on the full and inclusive application of the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union, thus affirming the principle of *non-refoulement*. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.
- (3) The Common European Asylum System (CEAS) is based on a system for determining the Member State responsible for applicants for international protection and common standards for asylum procedures, reception conditions and procedures and rights of beneficiaries of international protection. Notwithstanding the significant progress that has been made in the development of the CEAS, there are still notable differences between the Member States with regard to the types of procedures used, the reception conditions provided to applicants, the recognition rates and the type of protection granted to beneficiaries of international protection. These divergences are important drivers of secondary movement and undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.

⁴ Directive 2013/33/EU of the European Parliament and of the Council of 29 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

- (4) In its Communication of 6 April 2016 entitled 'Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe',⁵ the Commission underlined the need for strengthening and harmonising further the CEAS. It also set out options for improving the CEAS, namely to establish a sustainable and fair system for determining the Member State responsible for applicants for international protection, to reinforce the Eurodac system, to achieve greater convergence in the Union asylum system, to prevent secondary movements within the Union and a new mandate for the European Union Agency for Asylum. This answers to calls by the European Council on 18-19 February 2016⁶ and on 17-18 March 2016⁷ to make progress towards reforming the Union's existing framework so as to ensure a humane and efficient asylum policy. It also proposes a way forward in line with the holistic approach to migration set out by the European Parliament in its own initiative report of 12 April 2016.
- (5) Reception conditions continue to vary considerably between Member States States, in particular as regards the standards provided to applicants. More harmonised reception standards set at an appropriate level across all Member States will contribute to a more dignified treatment and fairer distribution of applicants across the EU.

The resources of the Asylum, Migration and Integration Fund and of the European Union Agency for Asylum should be mobilised to provide adequate support to Member States' efforts in implementing the standards set in this Directive, including to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.

6. [...]

⁵ COM(2016) 197 final.

⁶ EUCO 19.02.2016, SN 1/16.

⁷ EUCO 12/1/16.

- (7) In order to ensure equal treatment of applicants throughout the Union, this Directive should apply during all stages and types of procedures concerning applications for international protection, in all locations and facilities hosting applicants and for as long as they are allowed to remain on the territory of the Member States as applicants. It is necessary to clarify that material reception conditions should be made available to applicants as from the moment when the person expresses his or her wish to apply for international protection to officials of the determining authority, as well as any officials of other authorities which are designated as competent to receive and register applications or which assist the determining authority to receive such applications in line with Regulation (EU) No XXX/XXX [Asylum Procedures Regulation].
- (7a) A daily expenses allowance should in all cases be provided to applicants as part of the material reception conditions in order for them to enjoy a minimum degree of autonomy in their daily life. The daily expenses allowance may be provided in the form of a monetary amount, vouchers or in kind, for example in products.
- (8) Where an applicant is present in another Member State from the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], the applicant should not be entitled to the reception conditions set out in Articles 14 to 17 from the moment the applicant has been notified of a decision to transfer him or her to the Member State responsible, and irrespective whether the applicant has appealed this decision]. Unless a separate decision has been issued to this effect, the transfer decision should state that the relevant reception conditions have been withdrawn.
- (9) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party.

- (10) Standard conditions for the reception of applicants that will suffice to ensure them an adequate standard of living and comparable living conditions in all Member States should be laid down. The harmonisation of conditions for the reception of applicants should help to limit the secondary movements of applicants influenced by the variety of conditions for their reception.
- (11) In order to ensure that applicants are aware of the consequences of absconding, Member States should inform applicants as soon as possible and in good time of all their rights, and obligations with which applicants must comply relating to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted. This should be done in a uniform manner using a standard template.
- (12) Harmonised EU rules on the documents to be issued to applicants should contribute to making it more difficult for applicants to move in an unauthorised manner within the Union. Member States should only provide applicants with a travel document when serious humanitarian reasons arise. The validity of travel documents should also be limited to the purpose and duration needed for the reason for which they are issued. Serious humanitarian reasons could for instance be considered, when minors are travelling with foster families or as part of a study curricula, when an applicant needs to travel to another State for medical treatment or to visit relatives in particular cases, such as for visits to close relatives who are seriously ill, or to attend funerals of close relatives. The issuance and use of such a travel document does not affect the Member States' responsibilities under the Dublin Regulation. Member States retain the right to assess applicants' rights to stay in their territory.

- (13) [Applicants do not have the right to choose the Member State of application. An applicant must apply for international protection in the Member State either of first entry or, in case of legal presence, in the Member State of legal stay or residence. An applicant who has not complied with this obligation is less likely, following a determination of the Member State responsible under Regulation (EU) No XXX/XXX (Dublin Regulation), to be allowed to stay in the Member State where the application was made and consequently more likely to abscond. His or her whereabouts should therefore be closely monitored.] Appropriate measures should be taken to avoid that the applicant absconds.
- (14) [Applicants are required to be present in the Member State where they made an application or in the Member State to which they are transferred in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation). In case an applicant has absconded from this Member State and, without authorisation, travelled to another Member State, it is vital, for the purpose of ensuring a well-functioning Common European Asylum System that the applicant is swiftly returned to the Member State where he or she is required to be present.] Until such a transfer has taken place, there is a risk that the applicant may abscond and his or her whereabouts should therefore be closely monitored.
- (15) The fact that an applicant has previously absconded to another Member State is an important factor when assessing the risk that the applicant may abscond. To ensure that the applicant does not abscond again and remains available to the competent authorities, once the applicant has been transferred to the Member State where he or she is required to be present, his or her whereabouts should therefore be closely monitored. Appropriate measures should be taken to avoid that the applicant absconds again.

- (15a) Member States should be able to freely organise their reception systems. As part of this normal organisation, Member States may allocate applicants to geographical areas or to accommodations within their territory for reasons of public interest, in order to ensure geographical distribution of applicants, a swift processing of their applications for international protection, including the Dublin procedures, or the management of flows of third country nationals or of available capacities in their reception systems. Member States are not required to adopt an administrative decision for this purpose. Member States could also put in place mechanisms for assessing the needs of their reception systems or the respect of the obligation of the applicant to remain available during the asylum procedure and in this context may impose registration procedures or obligations on the applicants in order to verify their actual presence and possible whereabouts. Such mechanisms should not restrict the applicants' freedom of movement within the territory or the geographical area of the Member State.
- (15b) Where applicants could move freely only within a geographical area of the Member States' territory, Member States should guarantee the applicants' access to benefits under this Directive within this geographical area. The possibility to temporarily leave the geographical area should be assessed individually, objectively and impartially.
- (16) For reasons of public order or in order to effectively prevent the applicant from absconding, Member States should, where necessary, decide that the applicant should reside in a specific place, such as an accommodation centre, a private house, flat, hotel or other premises adapted for housing applicants. A designation to reside in a specific place should not result in the detention of the applicant. A designation to reside in a specific place may be necessary in cases where the applicant has not complied with the obligations to remain in the Member State where he or she is required to be present, or in cases where the applicant has been transferred to the Member State where he or she is required to be present after having absconded to another Member State. In case the applicant is entitled to material reception conditions, such material reception conditions should be provided subject to the applicant residing in this specific place.

- (17) Where there are reasons for considering that there is a risk that an applicant may abscond or where it is necessary to ensure that restrictions to an applicants' freedom of movement are respected, Member States could require applicants to report to the competent authorities or to appear before them in person either without delay or at a specified time as frequently as necessary in order to monitor that the applicant does not abscond.
- (18) All decisions restricting an applicant's freedom of movement should take into account relevant aspects of the individual situation of the person concerned, including any special reception needs of applicants. Applicants must be duly informed of such decisions and of the consequences of non-compliance.
- (19) In view of the serious consequences for applicants who have absconded or who are considered to be at risk of absconding, the meaning of absconding should be defined in view of encompassing both a deliberate action and the factual circumstance, which is not beyond the applicant's control, of not remaining available to the relevant authorities, including by leaving the territory where the applicant is required to be present. Member States may consider that an applicant has absconded even if the applicant has previously not been considered as being at risk of absconding.
- (19a) An applicant should be considered as not being anymore available where he or she fails to respond to requests relating to the procedures under Regulation (EU) No XXX/XXX [Asylum Procedures Regulation] or the procedure under Regulation (EU) No XXX/XXX [Dublin Regulation] unless the applicant provides adequate justification as to why he or she was unable to respond to those requests, for example in case of medical or other unexpected reasons which are beyond his or her control.

- (20) The detention of applicants should be applied in accordance with the underlying principle that a person should not be held in detention for the sole reason that he or she is seeking international protection, particularly in accordance with the international legal obligations of the Member States and with Article 31 of the Geneva Convention. Applicants may be detained only under the very clearly defined exceptional circumstances laid down in this Directive and subject to the principle of necessity and proportionality with regard to both the manner and the purpose of such detention. Detention of applicants pursuant to this Directive should only be ordered in writing by judicial or administrative authorities stating the reasons on which it is based, including in the cases where the person is already detained when making the application for international protection. Where an applicant is held in detention he or she should have effective access to the necessary procedural guarantees, such as judicial remedy before a national judicial authority.
- (21) Where an applicant has been designated to reside in a specific place but has not complied with this obligation there still needs to be a risk that the applicant may abscond in order for the applicant to be detained. In all circumstances, special care must be taken to ensure that the length of the detention should be proportionate and that it ends as soon as the obligation put on the applicant has been fulfilled or there are no longer reasons for believing that he or she will not fulfil this obligation. The applicant must also have been made aware of the obligation in question and of the consequences of non-compliance. The notion of public order may, inter alia, cover a conviction for having committed a serious crime.
- (22) With regard to administrative procedures relating to the grounds for detention, the notion of ‘due diligence’ at least requires that Member States take concrete and meaningful steps to ensure that the time needed to verify the grounds for detention is as short as possible, and that there is a real prospect that such verification can be carried out successfully in the shortest possible time. Detention shall not exceed the time reasonably needed to complete the relevant procedures.

- (23) The grounds for detention set out in this Directive are without prejudice to other grounds for detention, including detention grounds within the framework of criminal proceedings, which are applicable under national law, unrelated to the third country national's or stateless person's application for international protection.
- (24) Applicants who are in detention should be treated with full respect for human dignity and their reception should be specifically designed to meet their needs in that situation. In particular, Member States should ensure that Article 24 of the Charter of Fundamental Rights of the European Union and Article 37 of the 1989 United Nations Convention on the Rights of the Child is applied.
- (25) There may be cases where it is not possible in practice to immediately ensure certain reception guarantees in detention, for example due to the geographical location or the specific structure of the detention facility. However, any derogation from those guarantees should be temporary and should only be applied under the circumstances set out in this Directive. Derogations should only be applied in exceptional circumstances and should be duly justified, taking into consideration the circumstances of each case, including the level of severity of the derogation applied, its duration and its impact on the applicant concerned.
- (26) In order to better ensure the physical and psychological integrity of the applicants, detention should be a measure of last resort and may only be applied after all non- custodial alternative measures to detention have been duly examined. This should not prejudice the use of detention where such alternative measures, including residence and reporting obligations, cannot be applied effectively. Any alternative measure to detention must respect the fundamental human rights of applicants.
- (27) In order to ensure compliance with the procedural guarantees consisting in the opportunity to contact organisations or groups of persons that provide legal assistance, information should be provided on such organisations and groups of persons.

- (28) When deciding on housing arrangements, Member States should take due account of the best interests of the child, as well as of the particular circumstances of any applicant who is dependent on family members or other close relatives such as unmarried minor siblings already present in the Member State.
- (29) The reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs.
- (30) In applying this Directive, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively. Reception conditions need to be adapted to the specific situation of minors, whether unaccompanied or within families, with due regard to their security, physical and emotional care and provided in a manner that encourages their general development.
- (30a) The main role of a representative should be to guarantee the best interest of the child and assist or where applicable act on behalf of an unaccompanied minor. The representative should among other possible tasks, be able to further explain information provided to the unaccompanied minor, liaise with the authorities responsible for reception conditions to ensure immediate access for him or her to material reception conditions and health care and assist or where applicable, in accordance with national law, act on behalf of an unaccompanied minor to ensure that he or she benefits from the rights and complies with the obligations under this Directive. Representatives should be designated in accordance with the procedure defined by national law.

A representative should be designated where an application is made by a person who claims to be a minor, who is unaccompanied. A representative should also be designated in cases where the responsible authorities have objective grounds to believe that the person is a minor in view of relevant signs. On the other hand, in cases where a person claims to be a minor but is clearly above the age of eighteen years, based on relevant signs, including physical appearance, documentary evidence or the results from age assessments where available, a representative need not be designated.

- (30b) Until the representative is designated, Member States should ensure that an unaccompanied minor is under the responsibility of dedicated personnel. This personnel might be for example an employee of a reception centre, of a child care facility, of social services, or of another relevant organisation designated to carry out this task. It is also important that this personnel is immediately informed when an application is made by an unaccompanied minor.
- (31) Member States should ensure that applicants receive the necessary health care which should include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may also require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Asylum Procedures Regulation].

- (32) An applicant's entitlement to material reception conditions under this Directive may be curtailed, in certain circumstances such as where an applicant has absconded to another Member State from the Member State where he or she is required to be present. However, Member States should in all circumstances ensure access to health care and a minimum standard of living for applicants which is in accordance with Union Law and other international obligations, including the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child. Member States should in particular provide for the applicant's subsistence and basic needs, both in terms of physical safety and dignity and in terms of interpersonal relationships, with due regard to the inherent vulnerabilities of the person as applicant for international protection and that of his or her family or caretaker. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. When a minor is in a Member State other than the one in which he or she is required to be present, Member States should provide the minor with access to suitable education which may include access to national education systems pending the transfer to the Member State responsible. The specific needs of women applicants who have experienced gender-based harm should be taken into account, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care.
- (33) [In order not to discriminate family members on the basis of where the family was formed, the notion of family should also include those formed outside the country of origin, but before their arrival on the territory of the European Union.]

- (34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment and by not unduly restricting access to specific sectors of the labour market. Applicants who have effective access to the labour market and have been designated to a specific place of residence should be able to seek employment within a reasonable distance from this place. Labour market tests used to give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State concerned should not hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession.
- (34a) Access to the labour market entitles the applicant to seek employment. Member States may also allow applicants to be self-employed. The Member State retains the possibility to verify the situation of its labour market before the applicant can fill a specific vacancy.
- (35) In order to increase integration prospects and self-sufficiency of applicants, earlier access to the labour market is encouraged where the application is likely to be well-founded, including when its examination has been prioritised in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States should therefore consider reducing that time period as much as possible in cases where the application is likely to be well-founded. Member States should not grant access to the labour market to applicants whose application for international protection is likely to be unfounded and for which therefore an accelerated examination procedure is applied, including in cases where they withhold relevant information or documents with respect to their identity.

- (36) Once applicants are granted access to the labour market, they should be entitled to a common set of rights based on equal treatment with nationals, working conditions, which should cover at least pay and dismissal, health and safety requirements at the workplace, working hours, leave and holidays, taking into account collective agreements in force. Such applicants should also enjoy equal treatment as regards freedom of association and affiliation, education and vocational training, the recognition of professional qualifications and, with regard to employed applicants, social security. Member States may grant equal treatment also to applicants who are self-employed.
- (37) Once applicants are granted access to the labour market, a Member State should recognise professional qualifications acquired by an applicant in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council.⁸ Measures should also be considered with a view to effectively addressing the practical difficulties encountered by applicants concerning the authentication of their foreign diploma, certificates or other evidence of formal qualifications, in particular where applicants cannot provide documentary evidence and cannot meet the costs related to the recognition procedures.
- (38) The definition of branches of social security used in Article 3, paragraphs 1 and 2 of Regulation (EC) No 883/2004 of the European Parliament and of the Council⁹ should apply.

⁸ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

⁹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1.).

- (39) Due to the possibly temporary nature of the stay of applicants and without prejudice to Regulation (EU) No 1231/2010 of the European Parliament and of the Council, Member States should be able to exclude social security benefits which are not dependent on periods of employment or contributions from equal treatment between applicants and their own nationals. Member States should also be able to restrict the application of equal treatment in relation to education and vocational training and the recognition of formal qualifications.

In addition, the right to freedom of association and affiliation may be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

- (40) Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at Union level, it is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. However, when exercising that power, Member States should comply with Union law.
- (40a) The right to equal treatment should not give rise to rights in relation to situations which lie outside the scope of Union law.
- (41) To ensure that the material reception conditions provided to applicants comply with the principles set out in this Directive, it is necessary to further clarify the nature of those conditions, which should include not only housing, food and clothing but also personal hygiene products. It is also necessary that Member States determine the level of material reception conditions provided in the form of financial allowances or vouchers on the basis of relevant references applied to ensure adequate standard of living for nationals, such as, depending on the national context, minimum income benefits, minimum wages, minimum pensions, unemployment benefits and social assistance benefits. That does not mean that the amount granted to applicants should be the same as for nationals. Member States may grant less favourable treatment to applicants than to nationals as specified in this Directive. Member States should also have the possibility to adapt the level of financial allowances or the vouchers granted to applicants in the region referred to in Article 349 TFEU, as long as the standard of reception conditions provided for in this Directive is ensured.

- (42) In order to restrict the possibility of abuse of the reception system, Member States should be able to provide material reception conditions only to the extent applicants do not have sufficient means to provide for themselves. Member States should be able to require applicants with sufficient means to cover or contribute to the cost of the material reception conditions, including through financial guarantees and refunds. Applicants may be considered as having sufficient means to provide for themselves for example if they have been working for a reasonable period of time. When assessing the resources of an applicant and requiring an applicant to cover or contribute to the material reception conditions, Member States should observe the principle of proportionality and take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Applicants should not be required to cover or contribute to the costs of their necessary health care where the healthcare is provided free of charge to nationals.
- (42a) The possibility of abuse of the reception system should also be restricted by specifying the circumstances in which material reception conditions, may be reduced or withdrawn. This may be the case where the applicant does not cooperate with the competent authorities, in particular not complying with reporting duties, not lodging his or her application in accordance with the requirements of the Asylum Procedures Regulation, not respecting requests to provide information in order to facilitate the identification process, including refusing to provide biometric data or the contact information required as well as not cooperating during medical screening procedures. Member States should always ensure a minimum standard of living for all applicants in accordance with Union law and international obligations, taking into account applicants with special reception needs and the best interests of the child.
- (42b) Member States should be able to apply other sanctions, including disciplinary measures in accordance with the rules of the reception centre, such as warnings, temporary bans on access to certain activities or communal services, obligations to carry out tasks common to the residents of the reception centre and transfers to other reception facilities.

- (43) Member States should put in place appropriate guidance, monitoring and control of their reception conditions. In order to ensure comparable reception conditions, Member States should be required to take into account, in their monitoring and control systems, available non binding operational standards, indicators, guidelines and best practises regarding reception conditions developed by [the European Asylum Support Office/the European Union Agency for Asylum]. As long as the material reception conditions provide for an adequate standard of living, conditions in premises for housing applicants may be considered appropriate even if they differ, including depending on the expected length of stay of the applicants. The efficiency of national reception systems and cooperation among Member States in the field of reception of applicants should be secured, including through the Union network on reception authorities, which has been established by [the European Asylum Support Office/the European Union Agency for Asylum].
- (44) Appropriate coordination should be encouraged between the competent authorities as regards the reception of applicants, and harmonious relationships between local communities and accommodation centres should therefore be promoted.
- (45) Experience shows that contingency planning is needed to ensure to the extent possible adequate reception of applicants in cases where Member States are confronted with a disproportionate number of applicants for international protection. Whether the measures envisaged in Member States' contingency plans are adequate should be monitored and assessed. Contingency planning is an integral part of the Member States` planning processes and should not be seen as an exceptional activity.

The European Union Agency for Asylum shall assist Member States to prepare and review their contingency plans, with the agreement of the Member States concerned. A contingency plan should consist of a comprehensive set of measures that are necessary in order to deal with a possible disproportionate pressure on the Member States' reception systems, and to enhance the efficiency of those systems. For the purpose of this Directive, a situation of disproportionate pressure may be characterised by a sudden and massive influx of third-country nationals to the extent that the influx places extreme burden even on a well-prepared reception system. To achieve greater preparedness for such a situation, the template developed by the European Union Agency for Asylum should include guidance on how to identify possible scenarios, impacts, actions and available resources.

- (46) Member States should have the power to introduce or maintain more favourable provisions for third-country nationals and stateless persons who ask for international protection from a Member State.
- (47) Member States are also invited to apply the provisions of this Directive in connection with procedures for deciding on applications for forms of protection other than that provided for under Regulation (EU) No XXX/XXX [Qualification Regulation].
- (48) The implementation of this Directive should be evaluated at regular intervals. Member States should provide the Commission with the necessary information in order for the Commission to be able to fulfil its reporting obligations.
- (49) Since the objective of this Directive, namely to establish standards for the reception conditions of applicants in Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(50) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011¹⁰, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.

(51) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this *Directive*]

OR

(51) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this *Directive* and are not bound by it or subject to its application.]

OR

(51) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this *Directive* and is not bound by it or subject to its application.

¹⁰ OJ C 369, 17.12.2011, p. 14.

(52) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...) its wish to take part in the adoption and application of this *Directive*.]

OR

(52) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...) its wish to take part in the adoption and application of this *Directive*.

OR

(52) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this *Directive* and is not bound by it or subject to its application.]

(53) In accordance with Articles 1 and 2 of Protocol No 22 of the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this *Directive* and is not bound by it or subject to its application.

- (54) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for human dignity and to promote the application of Articles 1, 4, 6, 7, 18, 21, 24 and 47 of the Charter and has to be implemented accordingly.
- (55) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive . The obligation to transpose the provisions which are unchanged arises under the earlier Directive.
- (56) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directive set out in Annex I.

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

SUBJECT-MATTER , DEFINITIONS AND SCOPE

Article 1

Purpose

This Directive lays down standards for the reception of applicants for international protection ('applicants') in Member States.

Article 2

Definitions

For the purposes of this Directive, the following definitions apply:

- (1) ['application for international protection' or 'application' : means a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status.]
- (2) ['applicant': means a third-country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.]
- (3) ['family members' means, in so far as the family already existed before the applicant arrived on the territory of the Member States, the following members of the family of the beneficiary of international protection who are present on the territory of the same Member State in relation to the application for international protection:
 - (a) the spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals;
 - (b) the minor children of the couples referred to in point (a) or of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;
 - (c) the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Member State concerned, when that beneficiary is a minor and unmarried;]

- (4) ‘minor’: means a third-country national or stateless person below the age of 18 years;
- (5) ‘unaccompanied minor’: means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States;
- (6) ‘reception conditions’: means the full set of measures that Member States grant to applicants in accordance with this Directive;
- (7) ‘material reception conditions’: means the reception conditions that include housing, food, clothing, and personal hygiene products as well as a daily expenses allowance provided in kind, or as financial allowances or in vouchers, or a combination of the three;
- (7a) ‘daily expenses allowance’: means an allowance provided to applicants for them to enjoy a minimum degree of autonomy in their daily life provided periodically in the form of a monetary amount, vouchers or in kind, for example in products, or a combination of the three;
- (8) ‘detention’: means confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement;
- (9) ‘accommodation centre’: means any place used for the collective housing of applicants;
- (10) ‘risk of absconding’: means the existence of reasons in an individual case, which are based on objective criteria defined by national law, to believe that an applicant may abscond;

- (11) ‘absconding’: means the action by which an applicant does not remain available to the competent administrative or judicial authorities or leaves the territory of the Member State without authorisation from the competent authorities, or;
- (12) [...]
- (13) ‘applicant with special reception needs’: means an applicant who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive, such as applicants who are minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

Article 3

Scope

1. This Directive applies to all third-country nationals and stateless persons who make an application for international protection on the territory, including at the external border, in the territorial sea or in the transit zones of the Member States, as long as they are allowed to remain on the territory as applicants, as well as to family members, if they are covered by such application for international protection according to national law.
2. This Directive does not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.

3. This Directive does not apply when Council Directive 2001/55/EC¹¹ applies.
4. Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from Regulation (EU) No XXX/XXX [Qualification Regulation].

Article 4

More favourable provisions

Member States may introduce or retain more favourable provisions as regards reception conditions for applicants and their dependent close relatives who are present in the same Member State, or for humanitarian reasons, insofar as these provisions are compatible with this Directive.

CHAPTER II

GENERAL PROVISIONS ON RECEPTION CONDITIONS

Article 5

Information

1. Member States shall inform applicants of any rights and obligations relating to reception conditions set out in this Directive.

¹¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 1).

This information shall be given as soon as possible and in good time to enable applicants to benefit from these rights or comply with these obligations, in particular that they are entitled to the reception conditions set out in Articles 14 to 17 of this Directive only in the Member State where they are required to be present in accordance with [Article 4 (2a) of Regulation (EU) No XXX/XXX (Dublin Regulation)]. Member States shall also inform applicants of their allocation to a geographical area or accommodations in accordance with Article 6a and, where applicable, of the consequences in case applicants leave the geographical area without permission.

Member States shall ensure that applicants are provided with information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform them concerning the available reception conditions, including health care.

2. Member States shall ensure that the information referred to in paragraph 1 is in writing using a standard template which shall be developed by the European Union Agency for Asylum in accordance with [Article 12 of Regulation (EU) XXX/XXX (EUAA Regulation)], and adapted to the Member States' national systems. This information shall be provided in a language that the applicant understands or is reasonably supposed to understand. Where necessary, it shall also be supplied orally and adapted to the applicants' needs, including the needs of unaccompanied minors.

Where Member States are not able to provide in writing the information referred to in paragraph 1 in view of the particular language that an applicant understands or is reasonably supposed to understand, the information may be provided only through oral translation subject to the applicants' confirmation that this information has been understood. If the information subsequently becomes available in writing, it shall be provided to the applicant, where still needed.

Article 6

Documentation

1. Member States shall ensure that the applicant is provided with the documents as set out in [Article 29 of Regulation (EU) XXX/XXX (Asylum Procedures Regulation)].
2. Member States may provide applicants with a travel document only when serious humanitarian reasons arise that require their presence in another State. The validity of the travel document shall be limited to the purpose and duration needed for the reason for which it is issued.

Article 6a

Freedom of movement and organisation of reception systems

1. Applicants may move freely within the territory or within a geographical area of the territory of the Member State. Member States may freely organise their reception systems in accordance with this Directive.
 - 1a. Where applicants may move freely only within a geographical area in accordance with paragraph 1, Member States shall guarantee the benefits under this Directive in this geographical area.

2. Member States may:
 - a) allocate applicants within their territory, including to a geographical area or accommodations where applicable, for reasons of public interest, in order to ensure a geographical distribution of applicants, a swift processing of their application for international protection or the management of flows of third country nationals or of available capacities in their reception systems;
 - b) provide material reception conditions subject to actual residence in a geographical area or accommodations where the applicants are allocated in accordance with point (a).

When acting in accordance with this paragraph, Member States shall take into account the situation of the person concerned, including with regard to his or her special reception needs.

3. Member States may also put in place mechanisms to assess and address the needs of their reception systems, including registration procedures or obligations on the applicants for verifying their actual presence in accommodation centres.
4. Member States shall require applicants to inform the competent authorities of their current address, and a telephone number where they may be reached. Member States shall also require applicants to notify any change of address and telephone number to such authorities as soon as possible.
5. For the purpose of paragraphs 1, 2, 3 and 4, Member States are not required to adopt administrative decisions.
6. Where applicants may move freely only within a geographical area in accordance with paragraph 1, Member States may, upon request of the applicant, grant him or her permission to temporarily leave the geographical area for duly justified reasons, in particular for urgent and serious family reasons, or health reasons which cannot be addressed within the geographical area.

Article 7

Restrictions of freedom of movement and of residence

1. Where necessary, Member States shall decide that an applicant is only allowed to reside in a specific place, for reasons of public order or to effectively prevent the applicant from absconding, in particular when it concerns:
 - applicants who are required to be present in another Member State in accordance with [Article 4(2a) of Regulation (EU) No XXX/XXX (Dublin Regulation)]; or
 - applicants who have been transferred to the Member State where they are required to be present in accordance with [Article 4(2a) of Regulation (EU) No XXX/XXX (Dublin Regulation)] after having absconded to another Member State.

Where an applicant's residence has been designated in a specific place in accordance with this paragraph, the provision of material reception conditions shall be subject to the actual residence by the applicant in that specific place.

2. Member States may require the applicant to report to the competent authorities to ensure that the decisions referred to in paragraph 1 are respected or to effectively prevent the applicant from absconding.
3. Upon the request of the applicant, Member States may grant him or her permission to temporarily reside outside the specific place designated in accordance with paragraph 1. Such decisions shall be taken objectively and impartially on the merits of the individual case and reasons shall be given if they are negative.

The applicant shall not require permission to keep appointments with authorities and courts if his or her appearance is necessary, but shall communicate such appointments to competent authorities.

4. Decisions referred to in paragraphs 1 and 2 shall take into account relevant aspects of the individual situation of the person concerned, including his or her special reception needs.
5. Member States shall state reasons in fact and, where relevant, in law in any decision taken in accordance with paragraphs 1 and 2. Applicants shall be informed in writing of such a decision, as well as of the procedures for challenging the decision where this decision affects the applicant individually in accordance with Article 25 and of the consequences of non-compliance with the obligations imposed by the decision. The applicants shall be informed of the content of such a decision in a language which they understand or are reasonably supposed to understand.

Article 8

Detention

1. Member States shall not hold a person in detention for the sole reason that he or she is an applicant.
2. When it proves necessary and on the basis of an individual assessment of each case, Member States may detain an applicant, if other less coercive alternative measures cannot be applied effectively.

3. An applicant may be detained only:
- (a) in order to determine or verify his or her identity or nationality;
 - (b) in order to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant;
 - (c) in order to ensure compliance with legal obligations imposed on the applicant through an individual decision in accordance with Article 7(1) in cases where the applicant has not complied with such obligations and there is still a risk of absconding of the applicant.
 - (d) in order to decide, in the context of a border procedure in accordance with [Article 41 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)], on the applicant's right to enter the territory;
 - (e) when he or she is detained subject to a return procedure under Directive 2008/115/EC of the European Parliament and of the Council¹² in order to prepare the return or carry out the removal process, and the Member State concerned can substantiate on the basis of objective criteria, including that he or she already had the opportunity to access the procedure for international protection, that there are reasonable grounds to believe that he or she is making the application for international protection merely in order to delay or frustrate the enforcement of the return decision;
 - (f) when protection of national security or public order so requires;

¹² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 343, 23.12.2011, p.1).

(g) in accordance with [Article 29 of Regulation (EU) No XXX/XXX (Dublin Regulation)].

The grounds for detention shall be laid down in national law.

4. Member States shall ensure that the rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place, are laid down in national law.

Article 9

Guarantees for detained applicants

1. An applicant shall be detained only for as short a period as possible and shall be kept in detention only for as long as the grounds set out in Article 8(3) are applicable.

Administrative procedures relevant to the grounds for detention set out in Article 8(3) shall be executed with due diligence. Delays in administrative procedures that cannot be attributed to the applicant shall not justify a continuation of detention.

2. Detention of applicants shall be ordered in writing by judicial or administrative authorities. The detention order shall state the reasons in fact and in law on which it is based.
3. Where detention is ordered by administrative authorities, Member States shall provide for a speedy judicial review of the lawfulness of detention to be conducted *ex officio* and/or at the request of the applicant. When conducted *ex officio*, such review shall be decided on as speedily as possible from the beginning of detention. When conducted at the request of the applicant, it shall be decided on as speedily as possible after the launch of the relevant proceedings. To this end, Member States shall define in national law the period within which the judicial review *ex officio* and/or the judicial review at the request of the applicant shall be conducted.

Where, as a result of the judicial review, detention is held to be unlawful, the applicant concerned shall be released immediately.

4. Detained applicants shall immediately be informed in writing, in a language which they understand or are reasonably supposed to understand, of the reasons for detention and the procedures laid down in national law for challenging the detention order, as well as of the possibility to request free legal assistance and representation.
5. Detention shall be reviewed by a judicial authority at reasonable intervals of time, ex officio and/or at the request of the applicant concerned, in particular whenever it is of a prolonged duration, relevant circumstances arise or new information becomes available which may affect the lawfulness of detention.
6. In cases of a judicial review of the detention order provided for in paragraph 3, Member States shall ensure that applicants have access to free legal assistance and representation. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant.

Free legal assistance and representation shall be provided by suitably qualified persons as admitted or permitted under national law whose interests do not conflict or could not potentially conflict with those of the applicant.

7. Member States may also provide that free legal assistance and representation are granted:
 - (a) only to those who lack sufficient resources; and/or
 - (b) only through the services provided by legal advisers or other counsellors specifically designated by national law to assist and represent applicants.

8. Member States may also:
 - (a) impose monetary and/or time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to legal assistance and representation;
 - (b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.
9. Member States may demand to be reimbursed wholly or partially for any costs granted if and when the applicant's financial situation has improved considerably or if the decision to grant such costs was taken on the basis of false information supplied by the applicant.
10. Procedures for access to legal assistance and representation shall be laid down in national law.

Article 10

Conditions of detention

1. Detention of applicants shall take place, as a rule, in specialised detention facilities. Where a Member State cannot provide accommodation in a specialised detention facility and is obliged to resort to prison accommodation, the detained applicant shall be kept separately from ordinary prisoners and the detention conditions provided for in this Directive shall apply.

As far as possible, detained applicants shall be kept separately from other third-country nationals who have not lodged an application for international protection.

When applicants cannot be detained separately from other third-country nationals, the Member State concerned shall ensure that the detention conditions provided for in this Directive are applied.

2. Detained applicants shall have access to open-air spaces.
3. Member States shall ensure that persons representing the United Nations High Commissioner for Refugees (UNHCR) have the possibility to communicate with and visit applicants in conditions that respect privacy. That possibility shall also apply to an organisation which is working on the territory of the Member State concerned on behalf of UNHCR pursuant to an agreement with that Member State.
4. Member States shall ensure that family members, legal advisers or counsellors and persons representing relevant non-governmental organisations recognised by the Member State concerned have the possibility to communicate with and visit applicants in conditions that respect privacy. Limits to access to the detention facility may be imposed only where, by virtue of national law, they are objectively necessary for the security, public order or administrative management of the detention facility, provided that access is not thereby severely restricted or rendered impossible.
5. Member States shall ensure that applicants in detention are systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language which they understand or are reasonably supposed to understand. Member States may derogate from this obligation in duly justified cases and for a reasonable period which shall be as short as possible, in the event that the applicant is detained at a border post or in a transit zone. This derogation shall not apply in cases referred to in [Article 41 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)].

Article 11

Detention of applicants with special reception needs

1. The health, including mental health, of applicants in detention who have special reception needs shall be of primary concern to national authorities.

Where applicants with special reception needs are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their health.

2. Minors shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.

The best interests of the child, as referred to in Article 22(2), shall be a primary consideration for Member States.

Where minors are detained, they shall have the right to education in accordance with Article 14 or, where applicable, Article 17a (1a), unless the period of their detention is very short. They shall also have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.

3. Unaccompanied minors shall be detained only in exceptional circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible.

Unaccompanied minors shall never be detained in prison accommodation.

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel who take into account the rights and needs of persons of their age and facilities adapted to unaccompanied minors.

Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.

4. Detained families shall be provided with separate accommodation guaranteeing adequate privacy.
5. Where female applicants are detained, Member States shall ensure that they are accommodated separately from male applicants, unless the latter are family members and all individuals concerned consent thereto.

Exceptions to the first subparagraph may also apply to the use of common spaces designed for recreational or social activities, including the provision of meals.

6. In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the third subparagraph of paragraph 2, paragraph 4 and the first subparagraph of paragraph 5, when the applicant is detained at a border post or in a transit zone, with the exception of the cases referred to [in Article 41 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)].

Article 12

Families

Member States shall take appropriate measures to maintain as far as possible family unity as present within their territory, if applicants are provided with housing by the Member State concerned. Such measures shall be implemented with the applicant's agreement.

Article 13

Medical screening

Member States may require medical screening for applicants on public health grounds.

Article 14

Schooling and education of minors

1. Member States shall grant to minor children of applicants and to applicants who are minors access to the education system under similar conditions as their own nationals for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.

The Member State concerned may stipulate that such access must be confined to the State education system.

Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.

2. Access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor.

Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the education system as set out in paragraph 1.

3. Where access to the education system as set out in paragraph 1 is not possible due to the specific situation of the minor, the Member State concerned shall offer other education arrangements in accordance with its national law and practice.

Article 15

Employment

1. Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f) of Article 40(1) of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)], access to the labour market shall not be granted, or, if already granted, shall be withdrawn.

Where the application for international protection has been declared inadmissible in accordance with Article [36(1a) of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)], access to the labour market, if already granted, shall be withdrawn.

2. Member States shall ensure, in accordance with national law, that applicants, who have access to the labour market in accordance with paragraph 1, have effective access to the labour market.

For reasons of labour market policies, Member States may verify, whether a specific vacancy that an employer is considering filling by an applicant who has access to the labour market in accordance with paragraph 1 could be filled by nationals of the Member State concerned, by other Union citizens, or by third-country nationals lawfully residing in that Member State, in which case the Member State or employer may refuse the employment of the applicant for the specific vacancy.

3. Member States shall ensure that applicants who have access to the labour market in accordance with paragraph 1 enjoy equal treatment with nationals as regards:
 - (a) terms of employment, including the minimum working age, and, working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace;
 - (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
 - (c) education and vocational training;
 - (d)
 - (i) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications; and
 - (ii) access to appropriate schemes for the assessment, validation and recognition of applicants' prior learning outcomes and experience.

- 3a. Member States may restrict equal treatment of applicants who have access to the labour market in accordance with paragraph 1:
- (a) pursuant to point (b) of paragraph 3, by excluding them from taking part in the management of bodies governed by public law and from holding an office governed by public law;
 - (b) pursuant to point (c) of paragraph 3, by excluding:
 - (i) grants and loans related to education and vocational training and the payment of fees in accordance with national law with respect to access to university and post-secondary education; and
 - (ii) education and vocational training which is not provided within the framework of an existing employment contract, including when provided for employment promotion purposes;
 - (c) pursuant to point (d) (i) or (ii) of paragraph 3, by not granting equal treatment until at least six months from the date when the application for international protection was lodged.
- 3b. Member States shall ensure that applicants who are employed enjoy equal treatment with nationals as regards branches of social security, as defined in Article 3(1) and (2) of Regulation (EC) No 883/2004.
- 3c. Without prejudice to Regulation (EU) No 1231/2010, Member States may restrict equal treatment under paragraph 3b by excluding social security benefits which are not dependent on periods of employment or contributions.

- 3d. The right to equal treatment shall not give rise to a right to reside in cases where a decision taken in accordance with Regulation (EU) No XXX/XXX [Asylum Procedures Regulation] has terminated the applicant's right to remain.
- 3e. For the purposes of point (d) (i) of paragraph 3 of this Article, and without prejudice to Articles 2(2) and 3(3) of Directive 2005/36/EC, Member State shall facilitate, to the extent possible, full access to existing procedures for recognition of foreign qualifications for those applicants who cannot provide documentary evidence of their qualifications.
4. Without prejudice to paragraph 1 subparagraph 3, access to the labour market shall not be withdrawn during appeals procedures, where the applicant has a right to remain on the territory of the Member State during these procedures and until a negative decision on the appeal is notified.

Article 16

General rules on material reception conditions and health care

1. Member States shall ensure that material reception conditions are available to applicants from the moment they make their application for international protection in accordance with [Article 25 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)].
2. Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.

Member States shall ensure that that standard of living is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.

3. Member States may make the provision of all or some of the material reception conditions, subject to the condition that applicants do not have sufficient means to have an adequate standard of living in accordance with paragraph 2.
4. Member States may require applicants to cover or contribute to the cost of the material reception conditions , if the applicants have sufficient means to have an adequate standard of living in accordance with paragraph 2, for example if they have been working for a reasonable period of time.

If applicants have sufficient means to have an adequate standard of living in accordance with paragraph 2, Member States may also require them to cover or contribute to the cost of the healthcare provided, except in those cases where the healthcare is provided free of charge to nationals.

- 4a. If it transpires that an applicant had sufficient means to cover material reception conditions or health care in accordance with paragraph 4 at the time when the applicant was provided with an adequate standard of living, Member States may ask the applicant for a refund.
5. When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions and of the health care or when asking an applicant for a refund in accordance with paragraph 4a, Member States shall observe the principle of proportionality. Member States shall also take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs.

6. Where Member States provide material reception conditions in the form of financial allowances or vouchers, the amount thereof shall be determined on the basis of the level(s) established by the Member State concerned either by law or by practice to ensure adequate standard of living for nationals. These Member States shall inform the Commission and the [European Union Agency for Asylum] of these level(s). Member States may grant less favourable treatment to applicants compared with nationals in this respect, in particular where material support is fully or partially provided in kind or where those level(s), applied for nationals, aim to ensure a standard of living higher than that prescribed for applicants under this Directive.

Article 17

Modalities for material reception conditions

1. Where housing is provided in kind, Member States shall ensure that such housing provides the applicant with an adequate standard of living in accordance with Article 16(2). To that end, the housing provided shall take one or a combination of the following forms:
- (a) premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones;
 - (b) accommodation centres ;
 - (c) private houses, flats, hotels or other premises adapted for housing applicants.

2. Without prejudice to any specific conditions of detention as provided for in Articles 10 and 11, in relation to housing referred to in paragraph 1 (a), (b) and (c) of this Article Member States shall ensure that:
 - (a) applicants are guaranteed protection of their family life;
 - (b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR and other relevant national, international and non-governmental organisations and bodies;
 - (c) family members, legal advisers or counsellors, persons representing UNHCR and relevant non-governmental organisations recognised by the Member State concerned are granted access in order to assist the applicants. Limits on such access may be imposed only on grounds relating to the security of the premises and of the applicants.
3. Member States shall take into consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions.
4. Member States shall take appropriate measures to prevent as far as possible assault and gender-based violence, including sexual assault and harassment when providing housing in accordance with paragraph 1.
5. Member States shall ensure, as far as possible, that dependent adult applicants with special reception needs are accommodated together with close adult relatives who are already present in the same Member State and who are responsible for them whether by law or by the practice of the Member State concerned.

6. Member States shall ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States shall provide for the possibility for applicants to inform their legal advisers or counsellors of the transfer and of their new address.
7. Persons providing material reception conditions, including those working in accommodation centres, shall be adequately trained and shall be bound by the confidentiality rules provided for in national law in relation to any information they obtain in the course of their work.
8. Member States may involve applicants in managing the material resources and non-material aspects of life in the centre through an advisory board or council representing residents.
9. In duly justified cases, Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:
 - (a) an assessment of the specific needs of the applicant is required, in accordance with Article 21;
 - (b) housing capacities normally available are temporarily exhausted or, due to a disproportionate number of persons to be accommodated and geographical constraints, are temporarily unavailable.

Such different conditions shall in any circumstances ensure access to health care in accordance with Article 18 and a minimum standard of living for all applicants in accordance with Union law and international obligations.

When applying these exceptional measures, the Member State concerned shall inform the Commission and the European Union Agency for Asylum. It shall also inform the Commission and the European Union Agency for Asylum as soon as the reasons for applying these exceptional measures have ceased to exist.

Article 17a

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. From the moment an applicant has been notified of a decision to transfer him or her to the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], and irrespective of whether he or she has appealed that decision, the applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], without prejudice to the need to ensure a minimum standard of living in accordance with Union law and international obligations. Unless a separate decision is issued, the transfer decision shall state that the relevant reception conditions have been withdrawn in accordance with this paragraph. The applicant shall be informed about his or her rights and obligations in this regard.
- 1a. Notwithstanding paragraph 1, pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable education, which may include access to national education systems.

Article 18

Health care

1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.
2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.

CHAPTER III

REDUCTION OR WITHDRAWAL OF MATERIAL RECEPTION CONDITIONS

Article 19

Reduction or withdrawal of material reception conditions

1. With regard to an applicant who is required to be present on their territory in accordance with [Article 4(2a) of Regulation (EU) No XXX/XXX (Dublin Regulation)], Member States may reduce or withdraw the daily expenses allowances. Without prejudice to the need to ensure a minimum standard of living in accordance with Union law and international obligations, when duly justified and proportionate, Member States may also reduce or withdraw other material reception conditions.

This paragraph applies where an applicant:

- (a) abandons a geographical area within which the applicant may move freely in accordance with article 6a or the residence in a specific place designated by the competent authority in accordance with article 7 without permission, or absconds; or
- (b) does not cooperate with the competent authorities, or does not comply with the procedural requirements set by them, including by not providing information referred to in Article 6a, not giving biometric data, not appearing at set appointment or not complying with reporting duties; or
- (c) has lodged a subsequent application as defined in [Article 4(2)(i) of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)]; or

- (d) has concealed financial resources, and has therefore unduly benefited from material reception conditions; or
 - (e) has seriously or repeatedly breached the rules of the accommodation centre; or has behaved in a violent or threatening manner towards staff, visitors or other residents of the accommodation centre; or
 - (f) fails to participate in compulsory integration measures, where provided or facilitated by the Member State; or
 - (g) has been transferred to the Member State where the applicant is required to be present after having absconded to another Member State.
- 1a. In case a decision has been taken in accordance with paragraph 1 points (a), (b), or (f) thereof, and the circumstances on which that decision was based cease to exist, Member States shall consider whether some or all of the material reception conditions withdrawn or reduced may be reinstalled.
2. Decisions in accordance with paragraphs 1, and shall be taken objectively and impartially on the merits of the individual case and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 18 and shall ensure a minimum standard of living in accordance with Union law and international obligations for all applicants.
3. Member States shall ensure that material reception conditions in accordance with paragraph 1, are not withdrawn or reduced before a decision is taken in accordance with paragraph 2.

CHAPTER IV

PROVISIONS FOR APPLICANTS WITH SPECIAL RECEPTION NEEDS

Article 20

Applicants with special reception needs

Member States shall take into account the specific situation of applicants with special reception needs in the national law implementing this Directive.

Article 21

Assessment of special reception needs

1. In order to effectively implement Article 20, Member States shall as early as possible after an application for international protection is made assess whether the applicant has special reception needs. Member States shall also indicate the nature of such needs.

The assessment shall be initiated by identifying special reception needs based on visible signs or on the applicants' statements or behaviour or, where applicable, statements of the parents or the representative of the applicant. On this basis, Member States shall continue and complete the assessment and address the special reception needs identified, including where those needs become apparent at a later stage in the procedure for international protection. That assessment may be integrated into existing national procedures or into the assessment referred to in [Article 19 of Regulation (EU) No XXX/XXX (Asylum Procedures Regulation)].

Member States shall ensure that the support provided to applicants with special reception needs in accordance with this Directive takes into account their special reception needs throughout the duration of the procedure for international protection and shall provide for appropriate monitoring of their situation.

2. For the purposes of paragraph 1, Member States shall ensure that the personnel assessing special reception needs in accordance with this Article:
 - (a) are trained and continue to be trained to detect signs that an applicant requires special reception conditions and to address those needs when identified;
 - (b) include information concerning the applicant's special reception needs in the applicant's file held by the competent authorities, together with the indication of the signs referred to in point (a) as well as recommendations as to the type of support that may be needed by the applicant; and
 - (c) subject to their prior consent, refer applicants to the appropriate medical practitioner or psychologist for further assessment of their psychological and physical state where there are indications that their psychological or physical state could affect their reception needs.

The competent authorities shall take into account the result of the examination referred to in point (c) when deciding on the type of special reception support which may be provided to the applicant.

3. The assessment referred to in paragraph 1 need not take the form of an administrative procedure.
4. Only applicants with special reception needs may benefit from the specific support provided in accordance with relevant provisions in this Directive.
5. The assessment provided for in paragraph 1 shall be without prejudice to the assessment of international protection needs pursuant to Regulation (EU) No XXX/XXX [Qualification Regulation].

Article 22

Minors

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.
2. In assessing the best interests of the child Member States shall in particular take due account of the following factors:
 - (a) family reunification possibilities;
 - (b) the minor's well-being and social development, taking into particular consideration the minor's background;
 - (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;
 - (d) the views of the minor in accordance with his or her age and maturity.
3. Member States shall ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 17(1)(a) and (b) and to open-air activities.
4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

5. Member States shall ensure that minor children of applicants or applicants who are minors are lodged with their parents or with the adult responsible for them and their unmarried minor siblings whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.
6. Those working with minors, including the representative as provided for in Article 23 shall not have a verified record of child-related crimes and offences, or crimes and offences that lead to serious doubts about their ability to assume a role of responsibility with regards to children and shall receive continuous and appropriate training concerning the rights and needs of unaccompanied minors, including those relating to any applicable child safeguarding standards , and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

Article 23

Unaccompanied minors

- 1. Member States shall ensure that an unaccompanied minor is assisted where applicable through somebody acting on his or her behalf, in such a way to ensure that his or her general well-being is safeguarded and which enables the unaccompanied minor to benefit from the rights and comply with the obligations under this Directive. For this purpose, Member States shall ensure that, until the representative referred to in paragraph 1 is designated, dedicated personnel of relevant authorities or bodies are responsible for unaccompanied minors and are immediately informed when an application is made in accordance with paragraph 1.
1. Where an application is made by a person who claims to be a minor, or in relation to whom there are objective grounds to believe that he or she is a minor, Member States shall designate a representative as soon as possible but no later than within fifteen working days from when the application is made.

Where an application is made by a person who claims to be a minor but who is clearly above the age of eighteen years, Member States need not designate a representative in accordance with the first sub-paragraph.

Where Member States are confronted with a disproportionate number of applications made by unaccompanied minors or in other exceptional situations, the designation of representatives can be delayed for further ten working days. When applying this sub-paragraph, Member States shall inform the Commission and the European Union Agency for Asylum.

The duties of the representative shall cease where the competent authorities consider that the applicant is not a minor following the assessment referred to in [Article 24(1) of Regulation (EU) XXX/XXX (Asylum Procedures Regulation)], or is no longer an unaccompanied minor.

- 1a. Where an organisation is designated as a representative, it shall designate a natural person for carrying out the necessary tasks .
- 1b. The representative provided for in paragraph 1 of this Article may be the same as provided for in [Article 22(4) of Regulation (EU) No XXX/XXX (Asylum Procedure Regulation)].
- 1c. The competent authorities shall immediately:
 - a) inform the unaccompanied minor, in a child-friendly manner and in a language he or she can reasonably be expected to understand, of the designation of his or her representative and about how to lodge a complaint against him or her in confidence and safety;
 - b) inform the authority responsible for providing reception conditions that a representative has been designated for the unaccompanied minor; and
 - c) inform the representative of relevant facts pertaining to the unaccompanied minor.

- 1d. The representative shall meet with the unaccompanied minor and perform his or her tasks in accordance with the principle of the best interests of the child. The representative shall have the necessary expertise and knowledge of the rights and special needs of minors.
- 1e. The representative shall be changed where necessary, in particular when the competent authorities consider that he or she has not adequately performed his or her tasks.

Organisations or natural persons whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be designated as a representative.

- 1f. Member States shall place a representative in charge of a proportionate and limited number of unaccompanied minors at the same time to ensure that he or she is able to perform his or her tasks effectively.
- 1g. Member States shall appoint administrative or judicial authorities or other entities responsible to supervise that the representative properly performs his or her tasks. Those administrative or judicial authorities or other entities shall review complaints lodged by an unaccompanied minor against his or her representative.
2. Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be placed:
 - (a) with adult relatives;
 - (b) with a foster family;
 - (c) in accommodation centres with special provisions for minors;
 - (d) in other accommodation suitable for minors.

Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 22(2).

As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.

3. Member States shall start tracing the members of the unaccompanied minor's family, where necessary with the assistance of international or other relevant organisations, as soon as possible after an application for international protection is made, whilst protecting his or her best interests. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

Article 24

Victims of torture and violence

1. Member States shall ensure that persons who have been subjected to gender-based harm, trafficking in human beings, torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.
2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.

CHAPTER V

APPEALS

Article 25

Appeals

1. Member States shall ensure that decisions relating to the granting, withdrawal or reduction of benefits under this Directive, refusals to grant permission as referred to in Article 6a, paragraph 6 or decisions taken under Article 7, which affect applicants individually, may be the subject of an appeal within the procedures laid down in national law. At least in the last instance the possibility of an appeal or a review, in fact and in law, before a judicial authority shall be granted.
2. In cases of an appeal or a review before a judicial authority referred to in paragraph 1, Member States shall ensure that free legal assistance and representation is made available on request in so far as such aid is necessary to ensure effective access to justice. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant.

Free legal assistance and representation shall be provided by suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict or could not potentially conflict with those of the applicant.

3. Member States may also provide that free legal assistance and representation are granted:
 - (a) only to those who lack sufficient resources; and/or

- (b) only through the services provided by legal advisers or other counsellors specifically designated by national law to assist and represent applicants.

Member States may provide that free legal assistance and representation not be made available if the appeal or review is considered by a competent authority to have no tangible prospect of success. In such a case, Member States shall ensure that legal assistance and representation is not arbitrarily restricted and that the applicant's effective access to justice is not hindered.

4. Member States may also:
 - (a) impose monetary and/or time limits on the provision of free legal assistance and representation, provided that such limits do not arbitrarily restrict access to legal assistance and representation;
 - (b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.
5. Member States may demand to be reimbursed wholly or partially for any costs granted if and when the applicant's financial situation has improved considerably or if the decision to grant such costs was taken on the basis of false information supplied by the applicant.
6. Procedures for access to legal assistance and representation shall be laid down in national law.

CHAPTER VI

ACTIONS TO IMPROVE THE EFFICIENCY OF THE RECEPTION SYSTEM

Article 26

Competent authorities

Each Member State shall notify the Commission of the authorities responsible for fulfilling the obligations arising under this Directive. Member States shall inform the Commission of any changes in the identity of such authorities.

Article 27

Guidance, monitoring and control system

1. Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established. Member States shall take into account available, non binding [operational standards on reception conditions and indicators developed by the European Asylum Support Office/ the European Union Agency for Asylum] and any other reception conditions operational standards, indicators, guidelines or best practices established in accordance with [Article 12 of Regulation (EU) No XXX/XXX (Regulation on the European Union Agency for Asylum)], without prejudice to Member States' competence for organising their reception systems in line with this Directive.
2. Member States' reception systems shall be subject to the monitoring mechanisms set out in [Chapter 5 of Regulation (EU) No XXX/XXX (Regulation on the European Union Agency for Asylum)].

Article 28

Contingency planning

1. Each Member State shall draw up a contingency plan setting out the measures to be taken to ensure, to the extent possible, an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection. The applicants for international protection are to be understood as those required to be present on its territory, [including those for whom the Member State is responsible in accordance with Regulation (EU) No XXX/XXX (Dublin Regulation), taking into account the corrective allocation mechanism outlined in Chapter VII of that Regulation.]
2. The plan referred to in paragraph 1 shall take into account the specific national circumstances, using a template to be developed by the European Union Agency for Asylum in accordance with [Article 12 of Regulation on the European Union Agency for Asylum], and shall be notified to the European Union Agency for Asylum at the latest by [12 months after entry into force of this Directive]. The plan shall be reviewed when needed due to changed circumstances and, if updated, notified to the European Union Agency for Asylum. The Member States shall inform the Commission and the European Union Agency for Asylum whenever its contingency plan is activated.
3. [Member States shall provide the European Union Agency for Asylum with information on their plan and the Agency shall assist Member States to prepare and review their contingency plans, upon their request or with their agreement.]

Article 29

Staff and resources

1. Member States shall take appropriate measures to ensure that personnel of authorities and other organisations directly in charge of implementing this Directive have received the necessary training with respect to the needs of both male and female applicants. To that end, Member States shall include core parts of the European asylum curriculum developed by the European Union Agency for Asylum into the training of their personnel in accordance with Regulation (EU) No XXX/XXX [Regulation on the European Union Agency for Asylum].
2. Member States shall allocate the necessary resources in connection with the national law implementing this Directive.

CHAPTER VII

FINAL PROVISIONS

Article 30

Monitoring and evaluation

By [three years after the entry into force of this Directive] at the latest, and at least every five years thereafter, the Commission shall present a report to the European Parliament and the Council on the application of this Directive and shall propose any amendments that are necessary.

Member States shall at the request of the Commission send the necessary information for drawing up the report by [two years after the entry into force of this Directive] and every five years thereafter.

Article 31

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles 1 to 8, 11, 15 to 25 and 27 to 30 by [24 months after the entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 32

Repeal

Directive 2013/33/EU is repealed, for the Member States bound by this Directive, with effect from [the day after the date in the first subparagraph of Article 31(1)], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex I.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.

Article 33

Entry into force

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

Article 34

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

