

International protection: EU common list of safe countries of origin

2015/0211(COD) - 09/09/2015 - Legislative proposal

PURPOSE: to amend Directive 2013/32/EU in order to establish an EU common list of safe countries of origin.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with Council.

BACKGROUND : the Commission presented a comprehensive [European Agenda on Migration](#) on 13 May 2015, outlining further initiatives that need to be taken to provide structural solutions for better managing migration in all its aspects, in addition to the immediate measures to respond to the crisis situation in the Mediterranean. As part of the structural initiatives considered and **in light of the current unprecedented pressure on Member States' asylum systems**, the Commission stressed the need to strengthen the safe country of origin provisions of [Directive 2013/32/EU](#) on common procedures for granting and withdrawing international protection in order to support the swift processing of asylum applications from persons originating from countries designated as safe.

This includes the establishment of **an EU common list of safe countries of origin**.

Avoid national differences: Directive 2013/32/EU enables Member States to apply specific procedural rules, particularly accelerated and border procedures, where the applicant is a national of a country (or a stateless person in relation to a third country of former habitual residence) that has been designated as safe country of origin by national law and that, in addition, may be considered as safe for the applicant in light of his or her particular circumstances. Some Member States have adopted national lists of safe countries of origin which show **divergence amongst them** (especially in view of the differences in methods of assessing safe countries). Currently EU law does not contain an EU common list of safe countries of origin. The Commission proposes to establish such a EU common list, on the basis of the common criteria set in Directive 2013/32/EU. This will facilitate the use by all Member States of the procedures linked to the application of the safe country of origin concept and, thereby, increase the overall efficiency of their asylum systems as concerns applications for international protection, which are likely to be unfounded. This list will also deter secondary movements of applicants for international protection.

Establishing the list: the Commission based its decision on information from the European External Action Service (EEAS) and the information from Member States, the European Asylum Support Office (EASO), the Council of Europe, the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organisations.

CONTENT: the proposed regulation aims to establish an EU common list of third countries that must be considered as safe countries of origin within the meaning of Directive 2013/32/EU. It also amends Directive 2013/32 in order to enable the application of the safe country of origin provisions of this Directive in relation to the third countries included in the EU common list.

List of safe countries of origin: the common list is set out in Annex I of the proposed Regulation. In accordance with the conditions set in Annex I of Directive 2013/32/EU for the designation of safe countries of origin, this first list includes the following countries:

- Albania;
- Bosnia and Herzegovina;
- the Former Yugoslav Republic of Macedonia;
- Kosovo;
- Montenegro;
- Serbia;
- Turkey

However, Member States retain the right to apply or introduce legislation that allows for the national designation of third countries other than those appearing on the EU common list as safe countries of origin.

Review of the list: the proposal provides an obligation for the Commission to regularly review the situation in third countries that are on the EU common list, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations.

Delegation of power in emergencies: the proposal provides that any amendment of the EU common list of safe countries of origin will be adopted in accordance with the **ordinary legislative procedure**. However, it is envisaged that, in case of **sudden changes for the worse in the situation of a third country on this list**, the Commission will be empowered to adopt a delegated act in accordance with Article 290 TFUE to suspend, for a period of one year, the presence of the third country from the list where it considers, on the basis of a substantiated assessment, that the conditions for regarding a third country as safe country of origin are no longer met.

The proposal contains detailed provisions on the conditions of the delegation of power to the Commission, including regarding its duration, the possibility for **the European Parliament and the Council to revoke it at any time**, the obligation for the Commission to notify the adoption of delegated acts to the European Parliament and to the Council and the fact that the delegated acts can only enter into force if no objection has been raised by these institutions within one month following this notification.

Respect for fundamental rights: the proposal respects the fundamental rights and observes the principles recognized by the EU Charter of Fundamental Rights. Thus, the circumstance that a third country will be on the EU common list of safe countries of origin cannot establish an absolute guarantee of safety for nationals of that country and will not dispense therefore with the need to conduct an **appropriate individual examination** of their applications for international protection. Where an applicant shows that there are serious reasons to consider the country not to be safe in his or her **particular circumstances**, the designation of the country as safe can no longer be considered relevant for him or her.

Monitoring and assessment: the proposal envisages the possibility of adopting further steps of harmonisation that could lead to the **elimination of the need for national lists of safe countries of origin**. This will be envisaged three years after entry into force of the regulation, on the basis of a report from the Commission.