

# International protection: EU common list of safe countries of origin

2015/0211(COD) - 08/08/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Sylvie GUILLAUME (S&D, FR) on the proposal for a regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU.

The committee recommended that Parliament's position adopted in first reading should amend the Commission as follows:

**Objective:** Members asked that nationals of third countries that are on the EU common list of safe countries of origin established by the Regulation **be guaranteed access to international protection procedures** and benefit from all relevant procedural guarantees and safeguards provided for in [Directive 2013/32/EU](#) on common procedures for granting and withdrawing international protection.

The Regulation should respect fundamental rights and observes the principles recognized by the Charter, including the right to asylum and protection against refoulement.

**EU common list of safe countries of origin:** the Commission should continuously review: (i) the situation in third countries that are on the EU common list of safe countries of origin or suspended from that list; (ii) those countries' compliance with the conditions for the designation of a country as a safe country of origin set out in Annex I to Directive 2013/32/EU. It shall keep the European Parliament properly informed, in a timely manner.

The Commission should **regularly examine the situation in third countries and the possibility of proposing to add them to the EU common list of safe countries of origin**, on the basis of a range of information sources at its disposal, in particular EEAS reports and information provided by the Member States, the European Asylum Support Office (EASO), the UNHCR, the Council of Europe and other relevant international organisations, and national or international non-governmental organisations.

If appropriate, the Commission shall draw up a proposal **to enlarge the common list of safe countries of origin after a substantiated assessment** of whether countries to be added to the list fulfil the criteria set in Annex I to Directive 2013/32/EU.

The Commission must ensure that, for every third country on the EU common list of safe countries of origin, there is an **efficient EU returns policy** with readmission agreements that must be complied with fully for EU aid to be sent to those countries.

**Convergence of the European list and national lists of safe countries of origin:** Members proposed that **national lists of safe countries of origin should cease to exist after a period of three years** following the entry into force of the Regulation, and during this period, there should be a clearly defined procedure in the case of suspension or withdrawal of a country from the common list.

In view of the **harmonisation of national lists of safe countries of origin**, during the transitional three-year period from the entry into force of the Regulation, Member States should be able to send the Commission proposals for countries to be added to the common list of safe countries of origin. The

Commission should examine those proposals within six months of their submission. If it decides that a third country can be added to the list, the Commission should draw up a proposal to enlarge the EU common list of safe countries of origin.

During this period, Member States should make sure that the **national lists of safe countries of origin and the EU common list are consistent** with one another.

Members also introduced amendments aiming to ensure greater flexibility in the procedure for revising the list in case of **sudden changes in the situation** and thus to avoid overlong response times and prevent a country being inappropriately placed on the list of safe countries of origin.

**Designation as a safe country of origin:** a country is considered to be a safe country of origin where it can be shown that there is no general or consistent **persecution**, no **torture** or **inhuman or degrading treatment** and no threat posed by **indiscriminate violence** in situations of international or internal armed conflict.

In making this assessment, account shall be taken of the extent to which **protection is provided against persecution or mistreatment** by: (i) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms; (ii) respect for the non-refoulement principle in accordance with the Geneva Convention; (iii) provision for a system of effective remedies against violations of those rights and freedoms.

Member States should not apply the safe country of origin concept to applicants belonging to **a minority or group of persons that remains at risk** in light of the situation in the country of origin concerned.

**Monitoring and evaluation:** by two years after the date of entry into force of the Regulation, the Commission shall submit a report on the implementation of the Regulation and, where appropriate, shall propose the necessary amendments.

The Commission shall report: (i) on the methodology it has used to assess the situation in third countries included in the EU common list or the potential inclusion or suspension of such countries from the list; (ii) on the implementation of procedural safeguards for asylum seekers originating from a country on the EU common list of safe countries of origin.