

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2015/0211(COD) Procedure lapsed or withdrawn
International protection: EU common list of safe countries of origin Amending Directive 2013/32/EU 2009/0165(COD)	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players			
European Parliament	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3433	04/12/2015
Council of the European Union	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
09/09/2015	Legislative proposal published	COM(2015)0452	Summary
16/09/2015	Committee referral announced in Parliament, 1st reading		
04/12/2015	Debate in Council	3433	
07/08/2016	Committee report tabled for plenary, 1st reading	A8-0244/2016	
21/06/2019	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2015/0211(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Directive 2013/32/EU 2009/0165(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/9/00120

Documentation gateway					
Legislative proposal		COM(2015)0452	09/09/2015	EC	Summary
Economic and Social Committee: opinion, report		CES5379/2015	09/12/2015	ESC	

Additional information

Research document

[Briefing](#)

International protection: EU common list of safe countries of origin

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.

International protection: EU common list of safe countries of origin

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 Parliaments 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.