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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. Cion doc.:	11317/16
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (First reading) - List of safe third countries

1. The proposal for the Asylum Procedure Regulation contains provisions regarding the concept of a safe third country as a ground for admissibility checks. The proposal includes the idea of an EU list of safe third countries to be adopted at a later stage through a future amendment of the Regulation.
2. The notion of an EU list of safe third countries was discussed in the SCIFA meeting of 16 May (8777/18) and during the JHA Council of 5-6 June 2018 (9520/18). Member States agreed that such a list should already be annexed to the Asylum Procedure Regulation upon its adoption.

3. The latest Presidency compromise proposal (10973/18) contains the criteria, including the definition of 'effective protection', which should be fulfilled for a country to be designated as a safe third country (Article 45(1)). There seems to be a broad support among Member States for these criteria and they are aligned with the requirements arising from the Geneva Convention and EU primary law, as requested by the European Council of June 2017.
4. At the Coreper meeting of 29 May 2018, the Commission indicated its willingness to assist the Council in the process of drawing up an EU list of safe third countries. For that purpose, the Commission may find it necessary to draw on the expertise of the European Asylum Support Office (EASO). On the basis of the objective criteria, the Presidency intends to ask Coreper to entrust the Commission with the preparation of the list.
5. In this context, the Presidency intends to invite the Commission to analyse which transit countries on the main migratory routes of the Eastern, Central and Western Mediterranean as well as in Western Balkans or at our Eastern borders, could potentially be considered to be designated as safe third countries based on an assessment of the criteria specified in Article 45(1) of the Presidency compromise text (10973/18).
6. On that basis, the Commission may request EASO to provide information to it. The Commission's contribution will be the basis for further discussion among Member States, in view of including the list to the Council negotiating mandate.
7. In view of the complexity of the exercise, the Presidency intends to work in parallel towards obtaining a negotiation mandate on the Asylum Procedure Regulation. If needed that mandate may be supplemented with a mandate on the EU list of safe third countries at a later stage.
8. Delegations are invited to endorse the suggested approach whereby:
 - The Commission is entrusted with the preparation of a contribution, including a list of countries potentially meeting the Council criteria for safe third countries