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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level – Revised Presidency compromise proposal

With a view to the meeting of the Asylum Working Party on 8 September 2025, delegations will find in the Annex a revised Presidency compromise proposal on the abovementioned proposal.

At the Asylum Working Party meeting on 11 July 2025, delegations continued the examination of the proposal on the basis of a discussion paper by the Presidency (11147/25). In light of the comments made by delegations, the Presidency has revised the text in several respects.

With regard to the choice of third countries for inclusion on the common EU list of safe countries of origin, the Presidency considers that delegations expressed themselves clearly in favour of proceeding with the current roster of proposed countries. There was also unanimous agreement among delegations that the EU list should be established on the basis of the common criteria already set out in the Asylum Procedure Regulation for the designation of safe countries of origin. These elements have accordingly been reflected in the revised Presidency text.

With respect to a number of other issues, however, different opinions were expressed by the Member States. One of the more fundamental questions concerns the overarching legislative framework of the proposal as it pertains to the countries that have been granted EU candidate status, in particular since a number of other outstanding issues turn on that very question. Some Member

States take the view that the Commission's approach of designating those countries as a group is to be preferred, while other Member States hold the contrary view, namely that the EU candidate countries should be explicitly listed on the common EU list together with the other designated countries.

Moreover, during the discussions so far, Member States have stressed that the introduction of a notification procedure with respect to the specific circumstances where EU candidate countries will 'fall out' of the designation as safe countries of origin would be useful and present added value, and different possible solutions in this regard were discussed at the last Asylum Working Party on 11 July. However, differing views were expressed on the contours of such a procedure; indeed, the Presidency noted that a significant number of Member States expressed a preference for both the notification procedure proposed by the Polish Presidency and the proposal for the use of Commission and/or Council implementing acts by the Danish Presidency. The alternative solution also raised by the Danish Presidency to (merely) make use of the existing procedure in Article 63 APR did not seem to have received much support from the delegations. Some Member States even proposed distinct procedures with respect to the different proposed grounds for exception listed in Article 62(1b). In this respect, the exception set out in Article 62(1b), point (a), concerning the existence of a state of armed conflict in an EU candidate country, remains the most difficult. This question is complicated by the fact that the Geneva Conventions are silent on the criteria for assessing the beginning and end of an armed conflict, as well as the fact that no central international authority exists which systematically classifies situations as armed conflicts.[1]

Under these circumstances, the Presidency is inclined to proceed on the following basis:

First, while Member States are clearly somewhat divided on the issue of the treatment of EU candidate countries in the proposal, in the assessment of the Presidency, most Member States seem to take the view that the Commission's original approach is to be preferred. The Presidency's therefore proposes to proceed with that approach.

Secondly, there appears to be a slight preference for the Polish Presidency's proposal for a notification procedure, which the Danish Presidency accordingly proposes to move forward with. This way forward entails that the specific exceptions to the designation of EU candidate countries will come into effect automatically; there will be no active process that 'triggers' them. Likewise,

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1 See ICRC, Commentary on Article 2 of the First Geneva Convention of 12 August 1949 (2016).

the applicability of those exceptions will cease once the conditions that triggered their application in the first place no longer exist. This in many ways reflects the original Commission conception of what the exceptions were designed to be – an 'insurance mechanism' that would come into play as an automatic backstop. However, to enhance legal certainty, the Commission will be tasked with publishing a notice in Official Journal of the European Union whenever a situation is considered to fall within one of the listed circumstances in which the candidate countries should no longer constitute safe countries of origin, as well as when those circumstances cease to apply, which the Member States must take into account in the context of the implementation of the requirements of the proposal.

While the Presidency has taken note of the reluctance of the Commission to be involved in such a mechanism, in the interests of legal certainty and uniform application, and to reflect the will of Member States, the Presidency believes this is the most suitable way forward.

Additionally, the Presidency would like to obtain the views of the delegations on two possible modifications to the procedure proposed by the Polish Presidency (referred to in the text below as *option 1*). The first one consists of only requiring the prior approval of the Council where the Commission assesses that the circumstances in Article 62(1b), point (a) – relating to the existence of an armed conflict in an EU candidate country – apply, since in the Presidency's view, the determination of the existence of the other proposed exceptions are mostly factual matters which should not give rise to too much controversy. Revised text to this effect has been proposed below (referred to as *option 2*). Along the same lines, the Presidency also wonders whether the approval of the Council would be needed where the Commission establishes, by way of a published notice in the Official Journal, that any of the special circumstances no longer apply in an EU candidate country.

Moreover, other changes compared to the previous version of the proposal are set out below:

- The Polish Presidency proposed to amend Article 62(4) APR in order to authorise the Commission to introduce or lift exceptions to designations at EU level as set out in Article 61(2) through a delegated act. Delegations generally seemed to welcome this idea. Consequently, the Danish Presidency has expanded on that proposal, by introducing the necessary consequential amendments to the APR in order to also provide for the substantive conditions governing the exercise of that delegation. The Presidency's proposal will entail that the Commission – in addition to the existing authority under Article 63 APR to suspend the designation of a third country – also will be empowered to *amend* the personal or

geographical scope of a third country's Union designation as a safe country of origin, by means of a delegated act, where the substantive criteria for designating that third country as a safe country of origin are no longer satisfied with regard to a part of the territory or population of the country concerned.

- As to the list of grounds for exceptions to the designation of EU candidate countries set out in Article 62(1b), the Presidency has included two potential changes. First, as previously raised by one of the Member States, it may be disproportionate to remove the designation of an EU candidate country completely where an armed conflict is circumscribed to a specific geographical area and, as a consequence, nationals of that country have access to protection in another part of the country; on the other hand, limiting the exception in this way could complicate the assessment. A drafting proposal has been inserted below in [ ], as in any case further input from the Member States is needed.

  It should also be noted in this context that if Member States were to support the proposed mechanism described above of allowing the Commission to exclude certain parts or categories of persons in a third country for the purposes of designating safe countries of origin at EU level through delegated acts, this proposed modification may not be required.

- Secondly, a few Member States have also suggested adding an additional exception to the general designation of EU candidate countries as safe countries of origin, covering cases where EU accession negotiations have been effectively paused for a significant length of time. Indeed, if EU candidate countries are presumed safe on account of candidate status, a logical legal consequence of this would seemingly be that such a presumption of safety no longer holds water where accession negotiations have been suspended. However, for greater legal certainty and ease of implementation, the Presidency proposes to limit the scope of this additional exception to those situations where negotiations have been formally suspended by the Council, since situations where talks between the two sides are merely at a standstill could be due to a variety of factors, not all of which may be equally relevant for purposes of safe country of origin designation. This would also avoid the risk of a 'revolving door' between applicability and non-applicability' of the designation of the country concerned. In any case, this additional exception has been inserted below in [ ] as a new point (d) in Article 62(1b), as more input on the delegations' view on this proposal is still needed.

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- The Presidency furthermore noted wide support for its proposed new paragraph 1a in Article 64 APR. Some delegations, however, considered that no deadline should be foreseen for the date by which Member States must bring their national lists into conformity with the EU list. The Presidency would note that Article 64(1) APR already implicitly places an obligation on Member States to repeal their national designations of the countries designated at EU level. The Presidency's intended purpose with the proposed clause was therefore to set a time limit within which the Member States are to take the necessary steps, which admittedly will necessarily be somewhat arbitrary. In other words, the Presidency's objective is to give more concrete effect to paragraph 1 of Article 64 APR, by specifying the deadline by which that obligation is to be complied with. Without including a specific deadline, the scope of paragraph 1 and the proposed paragraph 1a would be largely the same.

- Lastly, a few changes in wording and terminology of a purely editorial nature have been made, and in light of the changes made to the substantive provisions of the proposal so far, the Presidency has made a first attempt at also amending the respective recitals accordingly. However, further adjustments will obviously be needed as the operative part of the proposal changes further.

Lastly, some further explanations in regard to the changes made in this compromise proposal are included in the footnotes. As noted, some text in this version are marked in square brackets [ ], which indicates areas where further in-depth examination could be needed, or where the proposed wording is of a more optional nature.

Old changes compared to the Commission's proposal are marked in underlined for additions and ~~strikethrough~~ for deletions. New changes are marked in **bold underlined** for addition and ~~**bold strikethrough**~~ for deletions. Where the Presidency suggests consequential amendments to the APR that were not included in the Commission's original proposal, the current text of the APR appears in *italic* to ease readability.

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ANNEX

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level

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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), point (d) 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 Committee[2],

Having regard to the opinion of the Committee of the Regions[3],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Under Regulation (EU) 2024/1348 of the European Parliament and the Council[4], specific rules ~~may~~ apply where an applicant comes from a safe country of origin. In particular, the examination of an application has to be accelerated and, if the applicant has not yet been authorised to enter Member States' territory, a Member State may examine the merits of an application in a border procedure.

(2) Regulation (EU) 2024/1348 provides for the possibility to designate third countries as safe countries of origin at Union level in accordance with the conditions laid down in that

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2 OJ C , , p. .

3 OJ C , , p. .

4 Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1348/oj).

Regulation. It is necessary to strengthen the application of the safe country of origin concept as an essential tool to support the swift examination of applications that are likely to be unfounded by designating third countries as safe countries of origin. It is also necessary to address some of the existing divergences between Member States' national lists of safe countries of origin. Therefore, a list of safe countries of origin at Union level should be established. While Member States retain the right to apply or introduce legislation that allows for the national designation of third countries other than those designated as safe countries of origin at Union level, such common designation at Union level should ensure that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are designated.

(3) The fact that a third country is considered as a safe country of origin, either at Union or at national level, cannot constitute an absolute guarantee of safety for nationals of that country**, even for those who do not belong to a category of persons for which an exception is made when designating the country as a safe country of origin,** and therefore does not dispense with the need to conduct an individual examination of the application for international protection. **By its very nature, the assessment underlying the designation can only take into account the general, civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in that country.** Member States may apply the concept of a safe country of origin only where the applicant cannot provide elements justifying why the concept of safe country of origin is not applicable to him or her, in the framework of an individual assessment, and provided that the applicant has the nationality of that country or he or she is a stateless person and was formerly habitually resident in that country. The application of the concept in the framework of the individual assessment is without prejudice to the fact that certain categories of applicants may find themselves in a specific situation in the third countries designated and may therefore have a well-founded fear of being persecuted or face a real risk of suffering serious harm.

(3a) The assessment of whether a third country should be designated as a safe country of origin is based on a range of relevant and available sources of information, including information from Member States, the European Union Agency for Asylum ('the Asylum Agency'), the European External Action Service, the United Nations High Commissioner for Refugees, and other relevant international organisations. The assessment also takes into account where available the common analysis of the country

of origin information referred to in Article 11 of Regulation (EU) 2021/2303 of the European Parliament and of the Council[5], in accordance with Regulation (EU) 2024/1348. Based on a range of such sources of information, a number of third countries are considered to qualify as safe countries of origin.

(4) With regard to the countries that have been granted the status of candidate States for accession to the Union, the Treaty on European Union sets out the conditions and principles to which any country wishing to become a Member State must conform. These criteria were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995. They are stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the ability to cope with competitive pressure and market forces within the EU; and the ability to take on the obligations of membership, including the capacity to effectively implement the rules, standards and policies that make up the body of EU law, and adherence to the aims of political, economic and monetary union. A country is granted candidate country status by the European Council on the basis of an opinion from the European Commission, drawn up following the country's application **for** membership of the Union.

~~**(5) The assessment of the situation in other third countries is based on a range of relevant and available sources of information, including information from Member States, the European Union Agency for Asylum ('the Asylum Agency'), the European External Action Service, the United Nations High Commissioner for Refugees, and other relevant international organisations. The assessment also takes into account where available the common analysis of the country of origin information referred to in Article 11 of Regulation (EU) 2021/2303 of the European Parliament and of the Council[6], in accordance with Regulation (EU) 2024/1348.**~~

(6) The EU candidate countries have been granted this status by the European Council through a unanimous decision, following a recommendation from the European Commission. With regard, in particular, to the political criteria for EU membership, the EU candidate countries

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5 Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2303/oj).

6 Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2303/oj).

were found to have advanced towards reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. It can, therefore, be concluded that those third countries that have been granted EU candidate status **should be considered as safe countries of origin within the meaning of Regulation (EU) 2024/1348 and** should **accordingly** be designated as safe countries of origin **at Union level.**[7] **However, due account should be taken of the fact that the situation in an EU candidate country could change to the extent that the designation of the country as a safe country of origin should no longer apply. Therfore, this Regulation should provide that the third countries that have been granted EU candidate status should not be considered as safe countries of origin ~~except~~** where **any of** the following circumstances apply: there is a serious **~~and individual~~** threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict in the country; restrictive measures within the meaning of Title IV of Part Five of the Treaty on the Functioning of the European Union have been adopted in view of the country's actions **affecting fundamental rights and freedoms that are relevant for the designation as a safe country of origin**; **~~or when~~** the EU-wide recognition rate pertaining to the applicants from the country is higher than 20 %**[; or the accession negotiations between the Union and the third country have been formally suspended by the Council]**.

(6a) It is essential that the designation as safe countries of origin of the States which are candidates for accession to the Union, including the situations in which they should no longer be considered as safe countries of origin, are applied uniformly in all Member States. To facilitate the implementation of this Regulation and to provide legal certainty as regards the circumstances where such a country should no longer be designated as a safe country of origin at Union level, this Regulation should provide for an efficient mechanism by which the Commission should assess whether any of those specific circumstances apply in the third countries concerned and, based on its assessment, inform the Member States by publishing a notice in the Official Journal of the European Union where those circumstances are considered to apply, subject to the prior approval of the Council. The Commission should also, following an assessment, publish a notice in

[7] **These designations are without prejudice to any future decisions to be taken by the European Council or by the Council on the admission of candidate States into the Union.**

the Official Journal of the European Union whenever it concludes that those circumstances no longer apply.

(7) With regard to Kosovo[8], according to the information from the Asylum Agency, 16 Member States currently designate Kosovo as a safe country of origin at national level, and the Union-wide recognition rate for applicants from Kosovo was 5 % in 2024. Kosovo is a potential candidate for membership of the Union. Its Constitution incorporates the main international human rights instruments. Kosovo is a multi-party parliamentary representative democracy with a division of power between the legislative, executive and judicial institutions and the relevant legal framework is in line with European standards. In general the legal framework guarantees the protection of fundamental rights and it is in line with European standards. There are no indications of expulsion, removal or extradition of citizens of Kosovo to countries where there is a risk of death penalty, torture, persecution or inhuman or degrading treatment. There is no risk of serious harm in Kosovo within the meaning of Article 15 of Regulation 2024/1347[9]. There is no death penalty in the national law and Kosovo authorities show commitment to the prevention of torture and ill treatment. There is no armed conflict taking place in Kosovo and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is no persecution in Kosovo within the meaning of Article 9 of Regulation 2024/1347.

(8) With regard to Bangladesh, according to the information from the Asylum Agency, 6 Member States currently designate Bangladesh as a safe country of origin at national level, and the Union-wide recognition rate for applicants from Bangladesh was 4 % in 2024. The country has ratified some international human rights instruments. Bangladesh is a parliamentary republic governed by a Constitution, which prescribes the separation of powers between the executive and judiciary. There are no indications of expulsion, removal or extradition of citizens of Bangladesh to countries where there is a risk of **the** death penalty, torture,

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8 This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

9 Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1347/oj)

persecution, or inhuman or degrading treatment. There is, in general, no real risk of serious harm within the meaning of Article 15 of the Regulation 2024/1347. Although Bangladesh retains the death penalty and did not sign the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty, death sentences are rarely carried out. Bangladesh has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. There is no armed conflict taking place in Bangladesh and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

(9) With regard to Colombia, according to the information from the Asylum Agency, no Member State currently designates Colombia as a safe country of origin at national level, and the Union-wide recognition rate for applicants from Colombia was 5 % in 2024. The country has ratified the main international human rights instruments. The 1991 Constitution and ensuing jurisprudence by the Constitutional Court provide for strong human rights guarantees. Colombia is a federal republic with a democratic representative political system and a division of powers between the executive, legislative and judicial branches. There are no indications of widespread expulsion, removal or extradition of citizens of Colombia to countries where there is a risk of **the** death penalty, torture, persecution, or inhuman or degrading treatment. There is, in general, no risk of serious harm in Colombia within the meaning of Article 15 of Regulation (EU) 2024/1347, except in specific rural areas with no integral presence of the State. The death penalty is prohibited under the Colombian Constitution. The legal framework prohibiting torture and inhuman or degrading treatment of punishment is in line with international standards. There is no generalised threat by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

(10) With regard to Egypt, according to the information from the Asylum Agency, 6 Member States currently designate Egypt as a safe country of origin at national level, and the EU-wide recognition rate for applicants from Egypt was 4 % in 2024. The country has ratified the main international human rights instruments. Egypt is a republic where the President serves as both the head of state and the head of the executive. There are no indications of expulsion, removal or extradition of citizens of Egypt to countries where there is a risk of **the** death penalty, torture, persecution, or inhuman or degrading treatment. There is, in general, no real risk of serious harm within the meaning of Article 15 of the Regulation (EU) 2024/1347. Although

Egypt retains the death penalty under the Penal Code and military laws, Egypt has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. Egypt has declared in its National Strategy for Human Rights its intention to reform the law on pre-trial detention, ameliorate detention conditions, limit the number of crimes punished by death and enhance the culture of human rights across all government institutions. Effective implementation is needed, progress having so far been made in the institutional track. There is no armed conflict taking place in Egypt and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

(11) With regard to India, according to the information from the Asylum Agency, 9 Member States currently designate India as a safe country of origin at national level, and the Union-wide recognition rate for applicants from India was 2 % in 2024. The country has ratified the main international human rights instruments. India is a constitutional republic and a parliamentary democracy. There are no indications of expulsion, removal or extradition of citizens of India to countries where there is a risk of **the** death penalty, torture, persecution, or inhuman or degrading treatment. There is, in general, no real risk of serious harm within the meaning of Article 15 of the Regulation (EU) 2024/1347. While India retains the death penalty in its criminal law and did not sign the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty, nevertheless, the death penalty has not been applied in practice since 2020. India has **signed**~~ratified~~ the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. There is no armed conflict taking place in India and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

(12) With regard to Morocco, according to the information from the Asylum Agency, 11 Member States currently designate Morocco as a safe country of origin at national level and the Union-wide recognition rate for applicants from Morocco was 4 % in 2024. The country has ratified the main international human rights instruments. Morocco is a parliamentary monarchy. There are no indications of expulsion, removal or extradition of citizens of Morocco to countries where there is a risk of **the** death penalty, torture, persecution, or inhuman or degrading treatment. There is, in general, no real risk of serious harm within the meaning of Article 15 of the Regulation (EU) 2024/1347. Morocco has observed a moratorium on the application of

the death penalty since 1993, although it retains the death penalty in its criminal law and has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty. Morocco has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. There is no armed conflict taking place in Morocco and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

(13) With regard to Tunisia, according to the information from the Asylum Agency, 10 Member States currently designate Tunisia as a safe country of origin at national level, and the Union-wide recognition rate for applicants from Tunisia was 4 % in 2024. The country has ratified the main international human rights instruments. The 2022 Constitution establishes a presidential system. There are no indications of expulsion, removal or extradition of citizens of Tunisia to countries where there is a risk of **the** death penalty, torture, persecution, or inhuman or degrading treatment. There is, in general, no real risk of serious harm within the meaning of Article 15 of the Regulation (EU) 2024/1347. Tunisia has observed a moratorium on the application of the death penalty since 1991, although it retains the death penalty in its criminal law and has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty. Tunisia has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. There is no armed conflict taking place in Tunisia and therefore no threat exists by reason of indiscriminate violence in situations of international or internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.

~~**(14) Regulation (EU) 2024/1348 provides for the possibility to designate third countries as safe countries of origin at Union level in accordance with the conditions laid down in that Regulation.**~~

(15) Pursuant to Regulation (EU) 2024/1348 a third country may only be designated as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no persecution as defined in Article 9 of Regulation (EU) 2024/1347 and no real risk of serious harm as defined in Article 15 of that Regulation.

(16) ~~Nevertheless, c~~**C**onsidering that there is, in general, no risk of persecution or serious harm, within the meaning of Regulation 2024/1347, in Bangladesh, Colombia, Egypt, India, Morocco and Tunisia, as well as Kosovo as **a** potential candidate for membership of the Union, as also shown by the very low recognition rates, **it can be concluded that those countries satisfy the criteria to be considered safe countries of origin within the meaning of Regulation (EU) 2024/1348 and ~~they~~** should be designated as safe countries of origin at Union level. **This is without prejudice to the possibility for Member States to designate other third countries as safe countries of origin at national level and to the possible future designation of additional third countries as safe countries of origin at Union level by means of future amendments to Regulation (EU) 2024/1348.**[10]

(17) The designation of those countries as safe countries of origin at Union level is without prejudice to the rule set out in Regulation 2024/1348, according to which Member States may apply the concept of a safe country of origin only where applicants cannot provide elements justifying why the concept of safe country of origin is not applicable to them, in the framework of an individual assessment. In that context, special attention should be paid to applicants who are in a specific situation in those countries, such as LGBTIQ persons, victims of gender-based violence, human rights defenders, religious minorities and journalists.

(17a) Significant changes in a third country designated as a safe country of origin at Union level may disproportionately affect certain areas or groups of persons in that country, leading to different protection needs for applicants from that country and to the necessity of safeguarding the procedural rights and guarantees of certain applicants to ensure that they are not subject to inappropriate asylum procedures. Regulation (EU) 2024/1348 introduces the possibility to designate a third country as a safe country of origin with exceptions for specific parts of its territory or clearly identifiable categories of persons. Regulation (EU) 2024/1348 also provides for the Commission to suspend the designation of a third country designated as a safe country of origin at Union level by means of a delegated act where there is a significant change for the worse in the situation of that country. In order to address the situation where a designated third

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[10] **In line with the suggestion contained in the Polish Presidency's compromise proposal, it is suggested to add a recital clarifying that the proposal does not imply that additional third countries could not be further included within the scope of the concept of safe country of origin and of the common EU list in the future.**

country no longer satisfies, for certain categories of persons or in relation to specific parts of the country's territory, the material conditions for such a designation set out in Regulation (EU) 2024/1348, the Commission should also be empowered to adopt delegated acts in accordance with Article 290 TFEU to amend the personal or geographical scope of such a third country's designation as a safe country of origin in order to partially suspend that designation for specific parts of the territory or clearly identifiable categories of persons in the third country concerned, where necessary and appropriate in view of any changing circumstances in the country affecting that part or category of persons. That delegation of power should be exercised in a reasonable and proportionate manner, taking into account the objectives and requirements of the concept of safe country of origin. That delegation of power should also be without prejudice to any legislative proposal to amend a third country's designation as a safe country of origin at Union level in accordance with the ordinary legislative procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.[11] In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(18) Considering that the migratory situation can rapidly change and there is increased pressure resulting from the arrivals of mixed flows with a high proportion of those with low chances of receiving international protection, Member States should be able to apply the ground for accelerating the examination of applications set out in Article 4**2**~~1~~(1)(j) of Regulation (EU) 2024/1348, from an earlier date than the general date of application of that Regulation**, provided that Member States have transposed and implemented the relevant provisions and procedures set out in Directive 2013/32/EU**. This would allow Member States to react quickly and in a flexible manner to changes in the migratory flows. Considering that applications from such applicants are likely to be unfounded, dealing with them swiftly in an accelerated or a border procedure would allow the asylum and migration authorities to more

[11] **OJ L 123, 12.5.2016, p. 1.**

efficiently assess genuine claims, deliver faster decisions and thereby contribute to a better and more credible functioning of asylum and return policies, in full respect of fundamental rights.

(19) Moreover, in order to **further** take into account complex and actual situations in third countries **not designated as safe countries of origin or safe third countries at Union level**, Member States **should**, when applying or introducing legislation that allows for the national designation of **such countries, ~~a third country as a safe country of origin or as a safe third country, should~~** be able to do so with exceptions for specific parts of ~~its~~**their** territory or clearly identifiable categories of persons, before Regulation 2024/1348 starts to apply.

(20) Since the objective of this Regulation, namely the establishment of a common list of safe countries of origin at Union level and advancing the application of certain provisions of Regulation 2024/1348, cannot be sufficiently achieved by the Member States and can only be 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 Regulation does not go beyond what is necessary in order to achieve that objective.

(21) [In accordance with Article 3 and Article 4a(1) 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 [act.]

OR

[In accordance with Articles 1, 2 and Article 4a(1) 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 [act] and is not bound by it or subject to its application.]

(22) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(23) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the EU.

(24) Regulation (EU) 2024/1348 should be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2024/1348 is amended as follows:

(0) Article 61, paragraph 1 is amended as follows:

~~"*1. A third country* or category of third countries~~'Third countries *may only be designated as* ~~a safe country~~ safe countries *of origin in accordance with this Regulation where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no persecution as defined in Article 9 of Regulation (EU) 2024/1347 and no real risk of serious harm as defined in Article 15 of that Regulation.~~**";**[12]

(1) Article 62**~~, paragraph 1~~** is amended as follows:

(a) paragraph 1 is replaced by the follwing:

'1. Third countries ***~~shall~~* may** *be designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 61* **and this Article***.';*

(**~~a~~b**) ~~paragraph 1 is replaced by the following~~ the following paragraphs are inserted after paragraph 1:

'1a. The third countries listed ~~**set out**~~ in Annex II **to this Regulation** are designated as safe countries of origin at Union level.

1b. The **third** countries that have been granted the status of candidate ~~**s**~~**S**tates for accession to the Union are also designated as safe countries of origin at Union level, unless **where** one ~~of~~ or more of the following circumstances apply to them:

[12] **Many delegations expressed the view that the addition of the phrase "category of third countries" in Article 61 gave rise to uncertainty. The Presidency proposes to draft the clause in the plural instead.**

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(a) there is a serious ~~and individual~~ threat to **~~the lives and safety of civilians~~** ~~a civilian's life~~**a civilian's life** or person**~~s~~** by reason of indiscriminate violence **~~or~~** in situations of international or internal armed conflict in the country[13]**[, unless the threat is limited to a specific geographical area and effective protection is available in another part of that country]**;

[(b) restrictive measures within the meaning of Title IV of Part Five of the Treaty on the Functioning of the European Union have been adopted in view of ~~the~~ that third country's actions affecting fundamental rights and freedoms and that are relevant for the ~~criteria of~~ designation of a third country as safe country of origin as set out in Article 61~~]~~;**]**

(c) the proportion of decisions by the determining authority granting international protection to the applicants from the country ~~–~~ either its nationals or former habitual residents in case of stateless persons – is higher than 20 % of the total number of decisions for that third country issued by the determining authority according to the latest available yearly Union-wide average Eurostat data~~.'~~;

[(d) the negotiations between the Union and the third country for accession to the Union have been formally suspended by the Council in accordance with the applicable negotiatating framework.';][14]

Option 1 (approval by the Council generally required):

~~[~~Where any of the~~se~~ circumstances **referred to in the first subparagraph, points (a) to (d),** apply, the ~~candidate~~**third** country concerned shall no longer be considered as a safe country of origin. With a view to implementing points **(**a**)** to **(~~c~~d)**, the Commission shall conduct an assessment and

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[13] **In accordance with the wishes of a majority of delegations, the text in point (a) reverts, for the most part, back to the wording of the Commission's proposal, which tracked the language of the Qualification Regulation. However, given that the assessment of whether a third country qualifies as a safe country of origin is based solely on the general circumstances prevailing in the country, the Presidency feels that the inclusion of the wording of "individual" threat could add confusion and proposes to leave this word out.**

[14] **Similarly to previous discussions on the scope of the proposed point (b), it may be considered whether this exception should be qualified further, since conceivably, it may be the case that a future suspension of negotiations with a candidate country could be based on that country's lack of progress towards fulfilling parts of the eligibility criteria for Union membership that are less relevant for safe country of origin status (e.g., a lack of a functioning market economy).**

duly inform the Council **thereof**. Where the Commission's assessment is ap**p**roved by the Council, the Commission shall immediately publish a notice in the C **series** ~~section~~of the ***Official Journal of the European Union*** **to that effect**.

OR

Option 2 (approval by the Council only required for point (a)):

~~[~~Where any of the~~se~~ circumstances **referred to in the first subparagraph, points (a) to (d)**, apply, the ~~candidate~~**third** country concerned shall no longer be considered as a safe country of origin. With a view to implementing points (a) to **(ed)**, ~~**the Commission shall conduct an assessment and duly inform the Council. Where the Commission's assessment is aproved by the Council,**~~ the Commission shall immediately**, when any of those circumstances apply,** publish a notice in the C **series** ~~section~~of the ***Official Journal of the European Union*** **to that effect**. **Where the Commission concludes that the circumstances referred to in the first subparagraph, point (a), apply, that assessment shall be approved by the Council prior to the publication of the notice in the *Official Journal of the European Union*.**~~]~~

Where any of the~~se~~ circumstances cease to apply,**[** the Commission shall conduct an assessment, inform the Council thereof, and where the assessment is ~~**validated**~~**approved** by the Council, **]**the Commission shall immediately publish a notice in the C **series** ~~**section**~~of the ***Official Journal of the European Union*** **to that effect**.~~]~~[15]

~~(b) the following paragraph 1a is inserted:~~

~~'1a. The third countries listed in Annex II shall be designated as safe countries of origin at Union level';~~

(~~2~~**d**) ~~**Article 62,**~~ paragraph 4 is amended as follows:

'*4. The Commission is empowered to adopt delegated acts in accordance with Article 74 concerning* **amendments to and** *the suspension of the designation of a third country as a safe country of origin at Union level subject to the conditions as set out in Article 63* ~~**and the**~~

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15 **The Presidency would like to obtain the delegations' view on whether the wording included in [] could be deleted, with the effect that the 're-introduction' of an EU candidate country to the designation at EU level, by means of the proposed Commission notice, would not need the prior approval of the Council.**

~~**introduction or lifting of exceptions as set out in Article 61(2) in relation to a safe country of origin at Union level**~~**.';**

(2) Article 63 is replaced by the following:

'Article 63

Amendment, ~~**S**~~**s***uspension and removal of the designation of a third country as a safe third country or as a safe country of origin at Union level*

1. In the event of significant changes in the situation of a third country which is designated as a safe third country or as a safe country of origin at Union level **[or with respect to which a notice has been published pursuant to Article 62(1b), second subparagraph][16]**, *the Commission shall conduct a substantiated assessment of the fulfilment by that third country of the conditions set out in Article 59 or 61 and, where the Commission considers that those conditions are no longer met,* **in whole or in part, the following provisions shall apply:**

(a) where the conditions set out in Article 61 are no longer met in relation to specific parts of the country's territory or clearly identifiable categories of persons in the country, the Commission shall, by amending this Regulation through a delegated act adopted in accordance with Article 74, partially suspend the designation of the third country as a safe country of origin at Union level for that part or category of persons. [The amendment shall be made by entering an annotation in Article 62(1b) or Annex II next to the third country concerned specifying which parts or categories of persons are covered by the suspension.]The partial suspension shall apply for a period [of xx months / to be determined by the Commission] and may be extended by means of another delegated act where the circumstances that led to the partial suspension persist at the end of the period of validity of the delegated act, without prejudice to the adoption

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16 **In case delegations wish to include the possibility for the Commission to apply the suspension and removal procedure in Art. 63 to an EU candidate country that has "fallen out" of the designation of candidate countries by virtue of coming within the scope of one of the grounds for exception set out in the proposed Art. 62(1b) – e.g., in a situation where there are significant changes in that country, such as the recognition rate having been above 20% over a long period, an armed conflict persists in the country, or another similar situation where not formally removing the country's designation as a safe country of origin may be considered untenable – it is considered necessary to provide for this explicitly in Art. 63.**

of a Union legislative act amending that third country's designation as a safe country of origin at Union level in accordance with the ordinary legislative procedure.

Where, within the period of partial suspension prescribed by the Commission by means of the delegated act adopted on the basis of the first subparagraph, the Commission concludes that the conditions set out in Article 61 are once again fulfilled with regard to the entire territory or population of the third country concerned, it shall without delay adopt a delegated act in order to lift the partial suspension of that country by amending Article 62(1b) or Annex II accordingly.

(b) where the conditions set out in Article 59 or 61 are no longer met in respect of the third country as a whole, the Commission ~~*it*~~ *shall adopt a delegated act in accordance with Article 74 to* **fully** *suspend the designation of that third country as a safe third country or as a safe country of origin at Union level for a period of six months***, and paragraphs 3 to 5 of this Article shall apply**.

2. The Commission shall continuously review the situation in the third country referred to in paragraph 1 taking into account, inter alia, information provided by the Member States and the Asylum Agency regarding subsequent changes in the situation of that third country.

*3. Where the Commission has adopted a delegated act in accordance with paragraph 1***, point (b),** *suspending the designation of a third country as a safe third country or as a safe country of origin at Union level* **in full***, it shall, within three months of the date of adoption of that delegated act, submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to remove that third country's designation as a safe third country or* ~~*of*~~ *safe country of origin at Union level.*

4. Where the Commission has not submitted a proposal as referred to in paragraph 3 within three months of the adoption of the delegated act as referred to in paragraph 1, the delegated act suspending the third country from its designation as a safe third country or as a safe country of origin at Union level shall cease to have effect. Where the Commission submits such a proposal within three months of the adoption of the delegated act as referred to in paragraph 1, the Commission shall be empowered, on the basis of a substantiated assessment, to extend the validity of that delegated act for a period of six months, with a possibility to renew that extension once.

5. Without prejudice to paragraph 4, where the proposal submitted by the Commission to remove the designation of a third country as a safe third country or a safe country of origin at Union level is not adopted within 15 months from when the proposal was submitted by the Commission, the **full** *suspension of the designation of the third country as a safe third country or as a safe country of origin at Union level shall cease to have effect.';*

(3) Article 64 is amended as follows:

(a) the following paragraph is inserted after paragraph 1:

'1a. For the purposes of paragraph 1, where a Member State has designated a third country as a safe third country or a safe country of origin at national level which is subsequently designated as a safe third country or a safe country of origin at Union level, that Member State shall ensure that the national legislation concerned is repealed or amended, as the case may be, within a period of [xx months/year(s)][17] from the date on which the designation at Union level took effect.

In cases where the scope of the national designation conflicts with the designation made at Union level, the latter shall prevail.';

(4) Article 78 is amended as follows:

(a) in paragraph 2, the word 'Annex' is replaced by the word 'Annex I';

(2~~3~~5) Article 79 is amended as follows:

(a) in paragraph 2**,** the following subparagraph is added:

'However, Article 59(2), Article 61(2) and Article 61(5)**,** point (b)**,** shall apply from the day of entry into force of Regulation (EU) …/…[amending Regulation (EU) 2024/1348] as regards the application of the concept of 'safe **country of origin**~~third country~~' in accordance with Articles 36 and 37 Directive 2013/32/EU and that of 'safe **third country**~~country of origin~~' in accordance with Article 38 of Directive 2013/32/EU before 12 June 2026.';

(b) in paragraph 3**,** the following subparagraph is added:

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[17] Member States are invited to provide suggestions for an appropriate time limit.

'A Member State~~s~~ may apply Article 42(1), point (j)**,** and Article 42(3), point (e), as grounds for the accelerated examination procedure in accordance with Article 31(8) of Directive 2013/32/EU or for the procedure conducted at the border or in transit zones in accordance with Article 43 of Directive 2013/32/EU before 12 June 2026 if it has ~~**already**~~ transposed the relevant provisions and implemented the special procedures mentioned in this ~~**a**~~**A**rticle at national level **before the date of entry into force of Regulation (EU) …/…[amending Regulation (EU) 2024/1348]**.';

(c) paragraph 4 is amended as follows:

'*4. For Member States not bound by Directive 2013/32/EU, references thereto in paragraphs* 2 and 3 *of this Article shall be construed as references to Directive 2005/85/EC.***:'**

(~~3~~**46**) **the title 'Annex' is replaced by 'Annex I' and** the text in the Annex to this Regulation is added as Annex II.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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