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**NOTE**

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| 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- Amended Presidency compromise text |

In view of the Asylum Working Party on 10 June, delegations will find below the Presidency's compromise text on the Commission's proposal for a regulation as regards the establishment of a list of safe countries of origin at Union level.

As compared to the Commission's proposal, the Presidency's additions appear in **bold underlined**; while deletions appear in ~~**bold strikethrough**~~. Changes have been made only to the operative part (i.e. not to the recitals nor to Annex II in ADD 1).

Given that the Presidency also suggests a few consequential amendments to the Asylum Procedure Regulation which were not included in the proposal – namely regarding Article 61(1), Article 62(4) and Article 79(4) - the text extracted from the APR regarding these provisions appears in *italic*.

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**

PUBLIC

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[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Under Regulation (EU) 2024/1348 of the European Parliament and the Council[3], 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) 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

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1 OJ C , , p. .

2 OJ C , , p. .

3 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).

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 and therefore does not dispense with the need to conduct an individual examination of the application for international protection. 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.

(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 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[4], 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 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 designated as safe countries of origin, except where the following circumstances

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[4] 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).

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; or when the EU-wide recognition rate pertaining to the applicants from the country is higher than 20%.

(7) With regard to Kosovo[5], 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[6]. 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 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 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

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5 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.

6 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 )

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 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 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 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 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 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 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, considering 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 potential candidate for membership of the Union,

as also shown by the very low recognition rates, they should be designated as safe countries of origin at Union level.

(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.

(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 41(1)(j) of Regulation (EU) 2024/1348, from an earlier date than the general date of application of that Regulation. 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 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 take into account complex and actual situations in third countries, Member States, when applying or introducing legislation that allows for the national designation of 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 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** *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."*

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

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

'1**a. The third countries listed set out in Annex II are designated as safe countries of origin at Union level.**[7]

[7] **The Presidency suggests adding a recital clarifying that the list in Annex II does not imply that other third countries cannot be classified as safe countries of origin, and that the scope of the list may change over time.**

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

(a) there is a serious ~~**and individual**~~ threat to **the lives and safety of civilians** ~~**a civilian's life**~~ or persons by reason of indiscriminate violence ~~**or**~~ **in** situations of international or internal armed conflict in the 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.';

**[Where any of these circumstances apply, the candidate country concerned shall no longer be considered as a safe country of origin. With a view to implementing points a to c, 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 publish a notice in the C section of the Official Journal of the European Union.**

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

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

*4. The Commission is empowered to adopt delegated acts in accordance with Article 74 concerning 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 introduction or lifting of exceptions as set out in Article 61(2) in relation to a safe country of origin at Union level.**

**(~~2~~3)** 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 third country' in accordance with Articles 36 and 37 Directive 2013/32/EU and that of 'safe 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:

'**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 article at national level**.';

**(c) paragraph 4 is amended as follows:**

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

(**~~3~~4**) 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,

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

PUBLIC