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Subject:	Proposal on the Presidency's compromise text regarding the Commission's proposal on establishment of a list of safe countries of origin at Union level (SCO proposal) - compilation of comments of delegations

Following the meeting of the Asylum Working party on 8 September 2025, delegations will find attached a compilation of comments received from Member States on the abovementioned subject.

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ANNEX

Written comments submitted by the Member States
(follow up 08.09.2025 AWP)

compilation of comments of delegations written contributions regarding
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 (SCO proposal)

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AUSTRIA

General remarks: With regards to the Presidency's intention to present finalized drafts already in the JHA Counsellor meeting in October, Austria stresses that – over and above the other comments – two points in particular warrant separate emphasis as they are viewed as highly problematic from the Austrian perspective and, due to numerous difficulties concerning their future practical implementation, cannot be supported:

- **SCO proposal:** the envisaged **deadline for the adoption of the national lists**, which will be almost impossible to implement due to the required national legislative process;

(1) Presidency's compromise text on the Commission's proposal as regards the establishment of a list of safe countries of origin at Union level (SCO proposal)

Austria thanks the Presidency for the comprehensive working paper and the compromise text as well as the European Commission for the clarifications of open questions during the Asylum Working Party on 8 September 2025.

Austria reiterates the points raised in its written comments of 18 July 2025,18 June 2025, 23 May 2025 and 29 April 2025. Austria again underlines the need for the **explicit designation of EU accession candidates** in Annex II of the Regulation, as well as the **complete deletion of the proposed exceptions**.

On the assumption that both the explicit designation as well as the deletion of the exceptions to the EU accession candidates – contrary to the Austrian position – will be retained in the forthcoming final proposal, Austria expresses its **support for the proposed formal notification procedure** with regard to the application of the exceptions. In this context, Austria favours the **option** whereby, in principle, the application of **all grounds for exceptions would require the Council's approval**.

Regarding the **addition to the exception in Article 62(1b)(a) APR concerning armed conflicts**, Austria **welcomes the proposal**. This addition could help to prevent situation in which minor and/or temporary hostilities might lead to an accession candidate being classified as no longer safe in its entirety.

This, however, raises the question of **how Ukraine is to be addressed** in this context: Does this imply that the exception would apply on the grounds that conflict is **predominantly confined to Ukraine's border regions**, while, in theory, effective protection could still be afforded in the western part of the country? The Presidency as well the Council Legal Service are kindly invited to provide clarification.

The **inclusion of a new exception under point (d)**, pursuant to which only the formal suspension of accession negotiations would entail that an accession candidate ceases to

qualify as a safe country of origin, is **supported by Austria**. That clause, however, requires further refinement: It must be ensured that suspensions of negotiations, for instance on economic grounds, do not lead to accession candidate, for whom no asylum- or migration-related concern exist, being deemed unsafe.

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Finally, Austria has repeatedly stressed that Member States must be afforded **sufficient flexibility in the management of their national lists**. The introduction of a deadline for the adoption of a national list would give rise to considerable administrative burdens, as, for example, a formal legislative procedure would have to be initiated within a very short timeframe, thereby obliging national parliaments to act. Moreover, the timely completion of such procedures – especially due to the duration of democratic deliberation in parliament – cannot be guaranteed. The reference to the primacy of the EU list should be sufficient. **Austria therefore expressly argues against the inclusion of such a deadline and proposes that such a provision be deleted in its entirety, without replacement**.

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CYPRUS

Comments by the Republic of Cyprus on the revised Presidency compromise on the proposal for regulation amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (document 12104/25 dated 3.9.2025).

We thank the Presidency for the efforts to reach a compromise on the above text.

1. We are satisfied with the current roster of proposed countries of origin, and we do not wish to delay the adoption of the draft regulation by negotiating on the inclusion of more third countries, at this stage.
2. Cyprus believes that all safe countries of origin should be designated nominally in the annex, and this goes for candidate countries, too. However, we acknowledge the Commission's arguments against, and, for this reason and in the spirit of cooperation, we shall not insist on this point.
3. Regarding the new article 62.1b and the exceptions regarding the designation of candidate countries as SCO, we agree to the four exceptions as listed in the text (including the new exception (d)). Regarding the question in fn. 14 of the Presidency compromise we are of the opinion that more qualifications to the content of exception (d) might be counterproductive and create more problems that it might solve. In any case, if a candidate country's status is suspended for a reason extraneous to SCO conditions, this country could be reintegrated into the SCO list as a "normal" third country via the OLP.
4. We support the new addition to exception (a), and would welcome clarification as to whether some candidate countries would be regarded as SCO, and consequently, whether the exception (a) would – and should – not apply to them.
5. Regarding the two options for the notification procedure submitted by the Presidency, we would be in favor of option 1 (approval by Council in all cases). However, we understand the Commission's comments that a publication in the OJ might lead to delays and we are ready to explore alternative ways that ensure publicity and legal certainty for all MS.
6. Question – it is not clear to us what the legal form of the Commission's notification will be (in either option 1 or 2). The text speaks about a "notice" but will this be an implementing act? Simply an announcement of the Commission? We would appreciate a clarification.
7. We are reluctant to accept the amendment to art. 62.4 whereby the Commission's right to adopt delegated acts is extended to cover the suspension of the designation of a third country a safe for specific geographic areas of groups. To our opinion, this is somewhat excessive and, in any case, should be preceded by some form of agreement by the Council.
8. We are in favor of clarifying the supremacy of EU law when there is a potential conflict between a state both in the national and the EU list of SCO. We would favour a period of three months after the entry into force of the EU list and any amendment thereof for MSs to adapt their relevant legislation to the EU one.

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CZECH REPUBLIC

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

(3a) The assessment of whether a third country should be designated as a safe country of origin at Union level 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[14], 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.

[14] 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).

PUBLIC

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:

(a) there is a serious ~~and individual~~ threat to ~~**the lives and safety of civilians** a civilian's life~~**a civilian's life** ~~or persons~~ 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~~1~~;]

Commented [A1]: CZ prefers the original version with "shall".

Commented [A2]: CZ would be grateful if PRES clarifies why both words are used here – i.e. "civilian or person". What is the difference?

CZ proposes to delete the words " or person"

Commented [A3]: CZ could accept this part.

Commented [A4]: CZ could accept letter b) in case letter d) will be deleted.

[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.**

[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.**

(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~~.~~[2];

[(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 **(ed)**, the Commission shall conduct an assessment and duly inform the Council **thereof**. Where the Commission's assessment is 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**.

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:~~

[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).**

[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.**

Commented [A5]: CZ does not support the addition of this letter. We refer to the explanation given by the Commission during the last Asylum working party.

Commented [A6]: As regards the notification procedure, CZ is flexible, nevertheless CZ prefers option 2. We are also open to explore the other option how to ensure the uniform application among Member States.

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~~'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 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 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.

[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.**

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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:

Commented [A7]: CZ finds this paragraph redundant as the priority of EU law is a general rule. In our view it is necessary to adapt the national law to have it in line with the Union law, but the time limit is not necessary to establish.

'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~~35) 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:

'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.

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

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Done at Brussels,

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

PUBLIC

FINLAND

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

The simple and effective application of the EU list is essential. Finland considers that the separate process for the candidate countries to 'fall out' of the designation as safe countries of origin still requires clarifications. As the possibility of a new alternative for the notification procedure was mentioned by the Commission and the Presidency in the last Asylum Working Party meeting, Finland awaits to hear about this new option and its practical implementation. As discussed in the Asylum Working Party, Article 62(1b)(d) should be left out of the list of exceptions because the negotiations may be suspended for reasons other than those related to the safety of the candidate country.

Finland expresses its preliminary support for including the geographical or personal exceptions in the EU list, but the way to provide this in a way that supports unified and efficient implementation within the Union should be further discussed. Finland waits for the Commission's views on the possibility to address this with a delegated act. We shall comment on the time period for a partial suspension when the other details have been addressed.

As noted in the Asylum Working Party, having a deadline for the Member States to bring their national lists into conformity with the EU list (Article 64(1a)) is not in line with the hierarchy of EU law. The Commission's suggestion to postpone the application of the EU list could be a proposal worth considering more closely.

PUBLIC

FRANCE

Objet : Commentaires écrits de la France faisant suite à la réunion du groupe asile du 8 septembre 2025 relative au mécanisme de solidarité et aux concepts de pays tiers sûr et pays d'origine sûr

Réf. : FAM/2025/1307

A la suite du groupe asile du 8 septembre 2025, la France transmet ses commentaires écrits relatifs à la proposition révisée de la Présidence danoise modifiant le règlement (UE) 2024/1348 en ce qui concerne l'application de la notion de "pays tiers sûr" et à la proposition révisée de la Présidence danoise modifiant le règlement (UE) 2024/1348 en ce qui concerne l'établissement d'une liste de pays d'origine sûrs au niveau de l'Union.

Proposition révisée modifiant le règlement (UE) 2024/1348 (APR) en ce qui concerne l'établissement d'une liste de pays d'origine sûrs au niveau de l'Union

- **La France remercie la Présidence pour l'élaboration de ce compromis qui est toujours en cours d'analyse par nos services.**
- **La France maintient donc une réserve d'examen sur ce compromis. Elle ne fera ici part que de ses premières observations.**
- **Sans nous prononcer donc sur cette proposition, nous saluons le maintien de l'actuel paragraphe 1 de l'article 62 qui vise à garantir des critères équivalents pour les désignations de POS au niveau européen et au niveau national.**
- **La France prend bonne note de l'ajout par la Présidence d'une 4ème circonstance à l'article 62, paragraphe 1b** [*Si les négociations pour l'adhésion entre le pays candidat à l'UE et l'UE ont été formellement suspendues par le Conseil conformément au cadre de négociation applicable]*.
- **La Présidence peut-elle préciser si elle entend la suspension par le Conseil des négociations en vue de l'adhésion d'un pays candidat à l'Union comme impliquant une décision formelle du Conseil ou simplement comme un état de fait ? La question se pose au vu des exemples turcs ou kosovars d'une part et géorgiens d'autre part. Ainsi, les conclusions du Conseil européen adoptées en juin et décembre 2024 au regard de la Géorgie suffisent-elles à considérer que les négociations sont « formellement » suspendues ? Par ailleurs, la France considère que le terme « *in accordance with the applicable negotiating framework* » devrait être précisé.**
- **Il est en effet essentiel que les critères utilisés par la Commission pour considérer qu'un Etat candidat relève de la liste européenne des POS soient clairement définis, transparents et non équivoques afin qu'il n'y ait pas d'incertitudes sur les pays composant la liste européenne des POS.**
- **Par ailleurs, la Présidence pourrait-elle préciser comment s'articulerait la procédure de « backstop » développée à l'article 62 paragraphe 1 dans le compromis de la Présidence avec les procédures de suspension et retrait disposées à l'article 63 ?**

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- **La France rappelle ne pas être favorable à un mécanisme différencié : l'article 62 paragraphe 4 prévoit déjà un mécanisme de suspension unique applicable à tous les pays tiers, qu'ils soient candidats ou non, par l'adoption d'actes délégués, ce qui présente l'avantage de la clarté. En tout état de cause, une application uniforme de la liste européenne est essentielle pour lutter contre les mouvements secondaires. Dès lors, elle privilégierait, a priori, la première option de la Présidence s'agissant des modalités d'approbation du Conseil sur la procédure de « backstop ». Toutefois, la France pourrait souscrire à une 3ème option qui permettrait de formaliser, à travers un système simplifié, l'activation d'une des circonstances énumérées au nouvel article 62, paragraphe 1, points a), b) et c) et d) par le Conseil.**
- **La France est favorable à l'introduction d'une disposition de ce type (1a) qui contribue à clarifier les modalités d'articulation de la liste nationale des POS avec la liste européenne.**
- **La France souhaite qu'en lieu et place de « *within a period of [xx months/year(s)*] », l'expression « *as soon as possible according to national procedures* » soit utilisée, étant entendu que la mention d'un même POS sur les deux listes n'a pas d'incidence sur la procédure, la liste européenne primant sur les listes nationales mais que les procédures nationales peuvent être contraignantes en termes de délais.**
- **Dans un souci de clarté, et quand bien même ce point a été confirmé à de nombreuses reprises par la Commission, la France suggère d'ajouter une mention visant à préciser qu'un Etat membre ne pourra continuer à considérer au niveau national une exception catégorielle ou territoriale pour un POS donné si ce dernier figure dans la liste européenne sans exception.**

PUBLIC

GERMANY

Agenda item 4: 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

- We would like to thank the Presidency for the good preparation of this topic.
- We would like to ask the Commission whether, in its view, the proposal should be adapted in the light of the CJEU judgment of 1 August 2025 (Case C-758/24 - Alace).
- We share the view that the exceptions should be automatically applicable to EU accession candidates. As regards the required notification procedure, we would prefer option 2.
- The amendments to the exception set out in point (a) are generally sound. However, it would be desirable to use the same wording as in Article 15 (c) of the Qualification Regulation in order to prevent diverging interpretations.
- The proposed addition of a clause to the exception set out in point (a) would likely make it more difficult to apply this exception, and we are therefore strongly against it. We also do not consider the addition necessary.
- We can understand the desire to use more precise wording for the exception set out in point (b); however, this makes it necessary to interpret the exception.
- The proposal for a new exception to be set out in point (d) is of interest to us, provided there are practicable use cases for this exception. In the view of the Commission and of the Council Legal Service, would the exception be applicable to current EU accession candidates?
- The proposal for a new Article 63 (1) (a) of the Asylum Procedure Regulation is also of interest to us in principle. We will be pleased if the Commission can make exceptions for specific parts of a country's territory or for certain categories of persons by means of a delegated act. Recital 17a mentions the participation of the Council in the preparation of delegated acts. However, we are not sure why the procedure according to paragraphs (3), (4) and (5) should not apply in these cases.
- As already emphasised in the past, the application of Article 63 to EU accession candidates despite the special mechanism leads to questions and problems. Issues of legal certainty and clarity are raised. Does the Presidency's proposal mean that Article 63 should apply to all EU accession candidates or only to those covered by one of the exceptions of the proposed Article 62 (1b)?

  In any case, it needs to be clear to those applying the law whether an EU accession candidate country is considered, fully or partially, to be no longer safe based on Article 63 of the Asylum Procedure Regulation. The Presidency's proposal to enter an annotation therefore seems to us a good approach. However, we would like to know how this is to be implemented in practice with legal certainty.

PUBLIC

- The introduction of a new paragraph (1a) in Article (64) seems reasonable to us, preferably without a rigid time limit. This new paragraph clearly emphasises once again the need for Member States to keep their national lists up to date. We are strongly against imposing a rigid time limit. But we would be quite happy with a formulation like “as soon as possible in accordance with national procedures”.
- The amendments in recital 3 seem to us quite reasonable.
- The clarification in recital 16 also seems helpful.
- We would still be grateful if the Commission could confirm our understanding of the interplay between the frontloading proposal in Article 2 (2) (b) and the provisions of the Asylum Procedure Directive: In our understanding, an unaccompanied minor who comes from a country of origin with an EU-wide protection rate of 20% or less cannot be placed in the accelerated procedure or border procedure solely on the basis of belonging to this group of persons. Instead, Article 25 (6) of the Asylum Procedure Directive remains applicable in this regard. We would welcome a timely answer to this question.

PUBLIC

GREECE

Comments of Greece on the establishment of a list of safe countries of origin at Union level (doc 12104/25)

Following the AWP on the 8/9/2025 below please find our written comments on the Presidency compromise text on SCO (doc 12104/25).

On art **61 par 1** we are flexible with the wording proposed

On art **62 par 1** we support retaining the current par.1 of art 62, by keeping it a "**shall**" clause and not "may" clause

As we have previously expressed, we support a single regime for all third countries designated as safe countries of origin. Candidate countries are in principle safe as countries of origin or transit, therefore, we consider it necessary to individually list them in the proposed. In this context, we have been advocating for the deletion of the exceptions in the case of the candidate countries.

In a spirit of compromise after the discussions held in the last AWG, we could be flexible in retaining exception (a) and (b).

For exception (c) we maintain our position for deletion, since the 20% threshold according to Eurostat data will be also used for the application of the border procedure.

As far as the new exception (d) is concerned, we propose to delete it, since the suspension of the enlargement process does not, necessarily relate to the designation of a third country as safe in the context of APR. The enlargement process is intergovernmental and it is described, for each candidate country separately, in the corresponding negotiation framework adopted with the rules of unanimity.

On the **notification** procedure we support the publication of a notice in the OJ of EU with prior approval by the Council only for point (a).

On the recitals we enter scrutiny reservation.

PUBLIC

IRELAND

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 –

Ireland's written observations on the Revised Presidency compromise proposal of 3rd September 2025 (12104/25)

1. As with the safe third country proposal, Ireland generally welcomes the Presidency's compromise proposal, and believes that it further advances progress on this draft Regulation.

2. In relation to the amendment to Article 62 effected by Article 1(1), Ireland welcomes and supports the redrafting of this amendment in the plural. While Ireland could support either option put forward by the Presidency, it favours Option 2, that is approval from the Council only required where the reason for exclusion of the candidate country concerned from the safe country of origin list is the outbreak of armed conflict.

3. As regards the Presidency's request (at footnote 15) for views as to whether the requirement to obtain Council approval to reinstate a candidate country to the list would be required, Ireland is of the view that where Council approval is required to exclude a country it should also be required to reinstate it. At least, if Option 2 were to be chosen, Council approval should be required if the original reason for the exclusion of the candidate country concerned was the outbreak of armed conflict.

4. Finally, with regard the amendment to Article 64 effected by Article 1(3)(a), and the Presidency's request (at footnote 17), and having further regard to the discussion at Asylum Working Party, while Ireland had suggested a period of 6 months for amendment of national lists to remove a country designated under the Union list, it would be equally in favour of no period being specified at all, as was suggested by a number of Member States and by the Commission during that discussion. Ireland notes that the supremacy of EU law applies in any event.

PUBLIC

ITALY

ITALIAN COMMENTS on the 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 (doc. 12104/25).

Italy thanks the Presidency for the preparation of the compromise text on safe countries of origin, which it considers a further step in the right direction, and for the useful clarifications on the proposed amendments provided in the introductory part of document 12104/25.

As repeatedly stated in the dedicated technical meetings on this topic, most recently at the Asylum WP on 8 September, Italy strongly supports the swift adoption of the EU list of safe countries of origin included in the annex to the legislative proposal and the rapid achievement of a general approach in the Council on this proposal, so as not to undermine its added value.

On the issue of candidate countries, we are generally flexible (but we prefer they not to be explicitly named and listed in the annex) and in favour of any text proposals that can be sufficiently agreed upon by the majority of Member States and which, as also indicated most recently by the Commission in the last Asylum WP, does not overly complicate the procedure.

As already expressed by the Italian delegation during the last AWP, Italy would like the Presidency to consider the possibility of introducing the following amendments to the next compromise text on the legislative proposal, which will be presented on 3 October.

Taking into account the recent judgment of EU Court of Justice of 1 August 2025 in Joined Cases C-758/24 and C-759/24, we suggest to integrate the legislative proposal by adding that the designation of a third country as a safe country of origin should be based on **official** and **qualified** sources of information**, assessed by the competent authorities**, including the European Union Agency for Asylum, the European External Action Service and the United Nations High Commissioner for Refugees.

Therefore, **such official, qualified and assessed sources should not be subject to national judicial review**.

In fact, **without prejudice to the general designation of the interested third country as a safe country of origin, national judicial review should just be limited to examining the detailed evidence provided by the applicant regarding his or her specific individual situation justifying, in his or her case, the inapplicability of the concept of safe country of origin**.

We kindly ask the Presidency to take into consideration the above Italian suggestions and we are open to any related drafting solutions.

PUBLIC

NETHERLANDS

Written comments by the NL following Asylum Working Party 11 July 2025

We thank the Presidency again for the opportunity to submit written comments. Below you will find the comments by the Netherlands following the discussions in the AWP of 8 September 2025.

Commission 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

As we have stated before, we still have questions about how country information should be weighed when determining whether a country can be designated as a safe country of origin and what criteria should be used to make exceptions for specific parts of the territory of the third country or clearly identifiable categories of persons. In this respect, we support the remarks that ES made in the AWP.

In this respect, we think the Recitals (7) – (13) could be more precise and not so much focussed on the formal legislation, but more on the human rights situation in practise and how human rights instruments are applied. After all, at a certain point we will have to defend our choices before the CJEU.

Article 61(1) – The concept of safe countries of origin

Scrutiny reservation

In the previous AWP, it was mentioned that, as we understood it, the text of Article 61(1) of the APR is stricter than that of Annex I of the APD and that the Commission chose to leave out the referral to Article 61(1), because the mentioned countries cannot be considered to have no persecution at all. According to NL, Member States and the EU legislature should have the same criteria for designating safe countries of origin.

Therefore, we proposed to return to the text in Annex I of APD:

Article 61

The concept of safe country of origin

1. A third country may only be designated as a safe country 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 **generally and consistently** 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.

During the AWP on 9 September, the Commission pointed out that this text would not be helpful in the light of Judgment C758/24 of the CJEU.

However, we think that the current proposed text (without 'generally and consistently') could be interpreted as leaving even less space for exceptions. Therefore, we maintain our proposal.

PUBLIC

Article 62 - Designation of safe countries of origin at Union level

Paragraph 1

Reservation

We think 'may' suggests that the criteria in Article 61(1) and Article 62 are not conditional for designating safe countries of origin. Therefore, we propose to retain 'shall'.

Paragraph 1b

Scrutiny reservation

In our previous written comments, we indicated that we wish to retain the Commission's original text of point (a), due to the clear link with Article 15c of the Qualification Regulation. However, we can understand the explanation provided by the Presidency in footnote 13. We will examine this further to further define our position on this text and on the proposed text between brackets.

Regarding point (d): we consider the current proposal to be formulated quite broadly, and we doubt if this text would sufficiently address our concern. We think that if the reasons for suspending the negotiations have nothing to do with the human rights situation, the designation as safe country of origin should be retained.

As to the notification procedure, we think that in any case there should be approval (Council decision) for point (a).

For points (b) and (c), we propose a comitology e**xamination** procedure, to ensure a fast procedure but maintaining some involvement of the Member States, as points (b) and (c) could potentially involve elements that have political implications.

We also think that these exceptions should be limited in time. Every 6 months/year it should be reevaluated if these exceptions still apply to a candidate Member State.

Recital (6)

In the added text, we propose:

'(…) should be **in general** considered as safe countries of origin (…)'

Article 63 - Suspension and removal of the designation of a third country as a safe third country or as a safe country of origin at Union level

Paragraph 1

Scrutiny reservation

We are not sure what the proposed text between brackets implies for the relation between Article 62(1b) an Article 63. Does this mean that both procedures should be followed?

In point (a), we think a fixed term is probably not needed. It could also be dependant on the reason for the suspension. Alternatively, the suspension could be for an undefined period, to avoid having to make such decisions repeatedly.

Article 64 - Designation of third countries as safe third country or safe country of origin at national level

Paragraph 1a

Scrutiny reservation

Following the discussion during the AWP, we need to study this further.

PUBLIC

PUBLIC

POLAND

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 - Examination of a revised Presidency compromise proposal

We maintain our comments made during the AWP meeting . Additionally, when it comes to adapting national lists to the EU list (art.64), we support those MS that have proposed no deadline.

PUBLIC

SLOVAK REPUBLIC

The Presidency's compromise text on the Commission's proposal as regards the establishment of a list of safe countries of origin at Union level (SCO proposal)

The Slovak Republic welcomes the compromise proposal for a regulation on a common list of SCO at Union level.

The Slovak Republic repeatedly calls for an early agreement on a common Union list, not only for safe countries of origin but also for safe third countries.

In principle, we have no major reservations about the proposal.

We support the inclusion of recital 6a on the common procedure for candidate countries and their assessment. In particular, we welcome the emphasis on uniform application in all Member States.

As regards the two options for the notification procedure, the Slovak Republic prefers the first option, whereby approval by the Council would be required after assessment by the EC for each exception, not only in case of armed conflict.

However, we would like to note that our position remains unchanged regarding the explicit naming of candidate countries. In order to improve legal certainty, the Slovak Republic supports naming these countries in the Annex

With regard to the time limit for amending national SCO/STC lists following a country's subsequent inclusion on the EU list, we are inclined to agree with the Member States' preference not to specify such a time limit.

Finally, we would appreciate more clarification regarding the "fourth" proposed exception– the formal suspension of accession negotiations. In practice, *what are specific reasons for formally suspending negotiations? Is a unanimous decision required to suspend negotiations? We would welcome a more detailed explanation of these points in recital 6 – last part.*

PUBLIC

SPAIN

WRITTEN COMMENTS FROM DE SPANISH DELEGATION

ASYLUM WORKING PARTY

GENERAL APPROACH: ES acknowledges the efforts made by the Danish Presidency to reach a compromise solution. However, there are still questions to be answered. Furthermore, as we have indicated on previous occasions, these concepts and their application are closely related to issues covered in the Return Regulation, which is why it is necessary to coordinate both negotiations. Therefore, ES maintains its reserve on both the texts presented.

a) On the Presidency's compromise text on the Commission's proposal as regards the establishment of a list of safe countries of origin at Union level (SCO proposal):

Connection criterion: ES prefers to maintain the connection criterion as it was approved. ES doubts the assertion that this will enable more effective application of the concept. The lack of connection between the applicant and the third country does not bode well for the measure's effectiveness. ES has doubts about the proposed interpretation under national law and the expression in the light of CJEU case law, as it opens a considerable gap in the Pact, which is intended to create as uniform a regime as possible in the field of European asylum and immigration. With this reference, what may be a connection criterion for one Member State may not be so for another, and this may be an incentive to generate secondary movements.

Transit: ES agrees with the addition referring to 'on the road to the EU', as well as the clarifications in recital (4). We believe that they improve the text and clarify its content.

Agreement or assessments: it generates the most doubts and reservations. Some clarifications are introduced in recital (2) which, although they make it easier to read, do not clarify the application of these concepts. How can they generate the same effect as a legally binding agreement and a legally non-binding agreement or an informal agreement? How is the application of the latter guaranteed? Elements such as scope of application, people affected, duration, etc. disappear and, if it is not binding, how is its application guaranteed? Many doubts remain in this regard.

Suspensive effect: ES supports the proposal. It is aligned with other elements of the APR, although it should be noted, once again, that judges and courts are already overburdened and will see their workload increase quantitatively with the entry into force of the Pact.

PUBLIC

SWEDEN

Written comments about the revised Presidency compromise proposal for a regulation establishing a list of safe countries of origin at Union level

SE appreciates the work of the DK Presidency with the compromise proposal (12104/25) and welcomes the possibility to follow up the last AWP meeting with the following comments.

- SE generally supports further changes in the proposal that can contribute to a more harmonised and efficient implementation of the list.
- SE would like the Presidency to consider to only include exception C (the 20% threshold) in paragraph 1b of Article 62. Ukraine would be excluded even if this was the only exception for candidate countries. Exception A and B could counteract the aim of the proposal to create a more harmonised application because of uncertainties regarding both the method for interpretation and implementation of the exceptions.
- SE can support a removal in paragraph 1b of Article 62 of the proposed new exception D about suspended negotiation for accession to the EU due to its limited application.
- SE can also support to not include a time limit in paragraph 1a of Article 63 to adjust the national lists as it would not have any legal effect.
- SE would like to highlight that the following change should be done in paragraph 1a of Article 64 "that Member State shall ensure that the national legislation **designation** concerned..".