Council of the European Union
General Secretariat

PUBLIC

Interinstitutional files:
2025/0101 (COD)

Brussels, 29 October 2025

WK 13944/2025 INIT

LIMITE

JAI
ASILE
ASIM
CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From: To:	General Secretariat of the Council Delegations
N° Cion doc.:	ST 8042 2025 ADD 1 + ST 8042 2025 INIT
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)

Following the meeting of the JHA Counsellors (Asylum) on 20 October 2025, delegations will find attached a compilation of comments received from Member States on the abovementioned subject.

PUBLIC

Commission proposal	Drafting suggestions and Comments
General Comments	AT (Comments): **AT thanks the Presidency for the compromise proposals presented and the excellent cooperation at Council Level.** • We still would like to mention the candidate countries in the annex of the list of safe countries of origin. • In this regard, it should also be noted once again that, regarding the negotiations with the European Parliament, we must achieve the strongest possible position so that the proposal is not watered down. This applies especially to the STC concept. • Nevertheless, AT notes that there have been positive developments and that the current drafts are moving in the right direction DE (Comments): We would like to thank the Presidency for the revised proposal, which we consider a good development. We would like to comment on some individual points. FR (Comments): **La France remercie la Présidence pour ses efforts de compromis et considère que le texte doit, pour être acceptable, clairement définir la liste des critères et les aspects procéduraux sur la base de critères précis, transparents et non équivoques afin qu'il n'y ait pas d'incertitudes sur les pays composant la liste européenne des POS.** IT

Commission proposal	Drafting suggestions and Comments
	(Comments): Italy continues to strongly support the swift adoption of this regulation proposal, in particular as regard the EU list of safe countries of origin. Therefore, we thank the Danish Presidency for its work and its efforts and we welcome the new compromise text. We would also like to reiterate our request to introduce a recital along the following lines: "***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.***" SE (Comments): SE welcomes that the latest compromise text from the Presidency would facilitate a more efficient implementation of the list. SE generally supports further changes in the SCO proposal that can contribute to a clearer and more harmonised interpretation of the exceptions for candidate countries. SI (Comments): SI would like to thank the Presidency for its efforts in adopting a compromise proposal that is a step in the right direction, but we believe that further work on the proposal is still needed. We would also like to thank the Presidency for its additional clarification regarding the proposed procedure for the occurrence of exceptions.

Commission proposal	Drafting suggestions and Comments
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	
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],	
1 OJ C , , p. .	

PUBLIC

PUBLIC

Commission proposal	Drafting suggestions and Comments
Having regard to the opinion of the Committee of the Regions[2], 2 OJ C , , p. .	
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 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. 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).	
(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 Regulation. It is necessary to strengthen the	

Commission proposal	Drafting suggestions and Comments
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	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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[4], 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 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).	
(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	

PUBLIC

PUBLIC

Commission proposal	Drafting suggestions and Comments
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) (…)~~	
(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 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.[5] 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. Therefore, this Regulation should provide that the third countries that have been granted EU candidate status should not be considered as safe countries of originwhere any of the following circumstances apply: there is a serious 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	DE (Comments): Option 3 seems like a good compromise to us, as it ensures the involvement of the Council while at the same time taking into account the Commission's concerns. If the exception set out in point (b) is adapted as proposed, we believe that in these cases, too, the Council should be involved before information from the Commission. FR (Drafting suggestions): (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 considered as safe countries of origin within the meaning of Regulation (EU) 2024/1348

Commission proposal	Drafting suggestions and Comments
affecting fundamental rights and freedoms that are relevant for the designation as a safe country of origin; 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]. 5 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.	and should accordingly be designated as safe countries of origin at Union level.[5] 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. Therefore, this Regulation should provide **for the suspension of the designation of** ~~**that**~~ the third countries that have been granted EU candidate status ~~**should not be considered**~~ as safe countries of origin where any of the following circumstances apply: there is a serious 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; 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]**~~. 5 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. FR (Comments): **La France propose une modification des considérants 6 et 6a et des articles 1b et 1c (qu'elle a ajoutée) pour permettre une articulation claire entre la procédure de backstop et les procédures de suspension et de retrait en ce qui concerne les pays candidats.** **La France souhaite également la suppression de la circonstance d) compte tenu des incertitudes qu'elle emporte sur la liste des pays candidats.**

Commission proposal	Drafting suggestions and Comments
	SE (Comments): SE would like the Presidency to consider if the Commission could compile and maintain a consolidated registry of all restrictive measures adopted in respect of third countries according to the criteria in Article 62(1a)(b) and make it available to Member States. Such a registry could contribute to a more harmonised implementation. This would be of particular importance if the fundamental rights criteria in (b) is maintained.
(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,~~** is applied uniformly in all Member States**, including as regards the circumstances set out in this Regulation where those countries should no longer be considered as safe countries of origin**. 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 **regularly** assess whether any of those **~~specific~~** circumstances apply in **a candidate country for accession to the Union ~~the third countries concerned~~** and, based on its assessment, inform the Member States **and the Council accordingly~~. 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 the *Official Journal of the European Union* whenever it concludes that those circumstances no longer apply.~~ In view of the potential implications for the external relations of the Union and the Member States, the Commission should not inform the Member States and the Council of the fact that there exists a serious threat by reason of indiscriminate violence in a situation**	FR (Drafting suggestions): (6a) **~~It is essential that the designation as safe countries of origin of the States which are candidates for accession to the Union is applied uniformly in all Member States, including as regards the circumstances set out in this Regulation where those countries should no longer be considered as safe countries of origin.~~** To facilitate the implementation of this Regulation and to provide legal certainty, the Commission should regularly assess whether any of those circumstances apply in a candidate country for accession to the Union and, based on its assessment, inform the Member States and the Council accordingly. In view of the potential implications for the external relations of the Union and the Member States, the Commission should not inform the Member States and the Council of the fact that there exists a serious threat by reason of indiscriminate violence in a situation of international or internal armed conflict in an EU candidate country without the prior approval of the Council. IT (Comments):

Commission proposal	Drafting suggestions and Comments
<u>of international or internal armed conflict in an EU candidate country without the prior approval of the Council.</u>	Our legal system already forsees (see paragraph 4-bis of Article 2-bis of Legislative Decree No. 25/2008) that the updating of the national list of safe countries of origin is to be carried out "periodically/regularly". We therefore have no objection to the use of the adverb "regularly", whose introduction we indeed support. While sharing the need to preserve a supervision of the Council for the situation where a candidate county is affected by a serious threat by reason of indiscriminate violence in a situation of international or internal armed conflicto, Italy is of the opinion that the Presidency proposal may raise some practical concerns. In particular, the requirement for the Council to give prior approval before the Commission can inform the Council of the existence of the relevant circumstances in situations of armed conflict could result in a circular procedural dynamic. This may, in turn, affect the overall effectiveness and timeliness of the mechanism, potentially delaying the activation of the safeguards envisaged in the Regulation. Italy would therefore propose a different solution along the following lines: "It is essential that the designation as safe countries of origin of the States which are candidates for accession to the Union is applied uniformly in all Member States, including as regards the circumstances set out in this Regulation where those countries should no longer be considered as safe countries of origin. To facilitate the implementation of this Regulation and to provide legal certainty, the Commission should regularly assess whether any of those circumstances apply in a candidate country for accession to the Union and, on the basis of its assessment, inform the Member States and the Council accordingly. Where, on the basis of its assessment, the Commission concludes that there exists a serious threat by reason of indiscriminate violence in a situation of international or internal armed conflict in an EU candidate country, the Commission should make a proposal to the Council to that effect. The Council should decide on that proposal in order to acknowledge that such

Commission proposal	Drafting suggestions and Comments
	circumstances exist, and, upon that approval, the respective country should no longer be considered as a safe country of origin. In all other situations where the Commission considers that any of the circumstances set out in this Regulation apply, the Commission should inform the Member States and the Council accordingly, and such information should be sufficient for the country concerned to no longer be considered as a safe country of origin." SE (Comments): SE prefers the Presidency compromise proposal regarding exception A for candidate countries. If a regular assessment could be carried out by the Commission it should be shared with the Council prior to a possible approval. This would facilitate the possibility to make an informed decision. SE would welcome a clarification about which Council configuration that would have to approve the decision. It is important that this is done by QMV. To rely on the acknowledgement of the European Council could counteract the aim of the proposal due to the uncertainties about the result from such a political process and the fact that the European Council acts by unanimity. SE considers it important to avoid a complex process that could involve approvals in several different Council configurations.
(6b) **~~When~~ In** assessing **and subsequently informing the Member States and the Council of** whether **~~there exists~~** a serious threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict **exists** in a candidate State for accession to the Union, the Commission should take into account a broad range of relevant sources of information, **including information from any relevant institution, body, office or agency of the Union or an international organisation ~~such as its annual progress reports for third~~**	AT (Comments): With regard to the options presented for the backstop mechanism, **AT prefers option 1**, as already emphasized several times in the WP Asylum, according to which the application of the exceptions must be published by the EC in the Official Journal.

Commission proposal	Drafting suggestions and Comments
~~countries designated as candidate countries by the European Council, international court decisions and rulings, and reports, resolutions or other public statements from Union institutions, bodies, offices and agencies, as well as from relevant international organisations, including the United Nations, the International Committee of the Red Cross and the Council of Europe~~. **In particular, ~~T~~t**he Commission should **~~also~~ be able to** take into account whether **~~the Council or~~** the European Council **or the Council** has acknowledged the existence **~~or the end~~** of a **~~state~~situation** of **international or internal** armed conflict in the third country concerned**. Similarly, in assessing and subsequently informing the Council and the Member States that there is no longer a serious threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict in that country, the Commission should be able to take into account the fact that the European Council or the Council has acknowledged that the relevant circumstances have ceased to exist~~**~~., or, where applicable and relevant, whether a Council Decision has been adopted in accordance with Articles 5 or 6 of Directive 2001/55/EC, as a consequence of the existence or end of an armed conflict, respectively. Moreover, in view of the potential implications for the external relations of the Union and the Member States with an EU candidate country, the Commission's assessment that there exists a serious threat by reason of indiscriminate violence in situations of international or internal armed conflict should be approved by the Council before publication of a notice in the *Official Journal of the European Union*~~**.	Option 3, which was supported by most member states, still needs to be examined. IT (Comments): The alternative wording proposed by the Presidency regarding the sources of information is acceptable for Italy, except for the overly generic reference to 'an international organization' without any further specification, since in a broad sense this expression could also refer to NGOs and this could lead to the use of information that are not objective enough and could invalidate the assessment of the effective situation of the candidate country. We therefore suggest to better qualify the international organisations referred to, by using the adjectives "competent" and "relevant", as for the wording used in the recital 3a).
(7) With regard to Kosovo[6], 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	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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[7]. 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. 6 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. 7 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)	
(8) With regard to Bangladesh, according to the information from the Asylum Agency, 6 Member States currently designate Bangladesh as a safe	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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, 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	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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 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,	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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	

PUBLIC

PUBLIC

Commission proposal	Drafting suggestions and Comments
internal armed conflict. There is, in general, no persecution in the country within the meaning of Article 9 of Regulation (EU) 2024/1347.	
~~(14) (…)~~	
(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) 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 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 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.	
(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	

Commission proposal	Drafting suggestions and Comments
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 third country or** 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 third country or 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 third country or 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 country **designated as a safe third country or as a safe country of origin at Union level** 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 **for a period of six months**, where necessary and appropriate in view of ~~**any**~~ **the significant** change~~**sing circumstances**~~ in the	FR (Drafting suggestions): (17a) Significant changes in a third country designated as a safe third country or 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 the necessity of safeguarding the procedural rights and guarantees of certain applicants. Regulation (EU) 2024/1348 introduces the possibility to designate a third country as a safe third country or 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 as a safe third country or 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 third country designated as a safe third country or as a safe country of origin at Union level 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 be empowered to adopt delegated acts in accordance with Article 290 TFEU in order to partially suspend that designation for specific parts of the territory or clearly identifiable categories of persons in the third country concerned for a period of six months, where necessary and appropriate in view of**~~

PUBLIC

Commission proposal	Drafting suggestions and Comments
country affecting that part or category of persons. **Moreover, the Commission should, within 3 months of the adoption of the delegated act providing for the partial suspension of that third country, present a legislative proposal to amend that third country's designation as a safe third country or as a safe country of origin at Union level in accordance with the ordinary legislative procedure. Where a Member State notifies the Commission that it considers, on the basis of a substantiated assessment, that, following changes in the situation of that third country, it once again fulfils the conditions set out in Regulation (EU) 2024/1348 with respect to its entire territory or population, or certain parts thereof, the Commission may propose an amendment to the designation of that country as a safe third country or as a safe country of origin. ~~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.~~[8] ~~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.~~** 8 ~~OJ L 123, 12.5.2016, p. 1.~~	~~the significant changes in the country affecting that part or category of persons. Moreover, the Commission should, within 3 months of the adoption of the delegated act providing for the partial suspension of that third country, present a legislative proposal to amend that third country's designation as a safe third country or as a safe country of origin at Union level in accordance with the ordinary legislative procedure.~~ Where a Member State notifies the Commission that it considers, on the basis of a substantiated assessment, that, following changes in the situation of that third country, it once again fulfils the conditions set out in Regulation (EU) 2024/1348 ~~with respect to its entire territory or population, or certain parts thereof~~, the Commission may propose an amendment to the designation of that country as a safe third country or as a safe country of origin. FR (Comments): **La France souhaite la suppression de la possibilité de suspendre partiellement la désignation d'un pays d'origine sûr ou d'un pays tiers sûr pour plusieurs raisons:** - **Il n'est pas prévu qu'on puisse partiellement suspendre la désignation d'un pays candidat.** - **La distinction entre, d'une part, la possibilité de désigner des pays avec des exceptions territoriales ou catégorielles et, d'autre part, la suspension partielle d'un territoire ou d'une catégorie *a posteriori*, n'est pas claire.** - **Il subsiste d'importantes incertitudes sur les effets de cette suspension partielle sur les accords multilatéraux ou bilatéraux en vigueur avec le pays tiers sûr concerné.**

PUBLIC

Commission proposal	Drafting suggestions and Comments
(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 42(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 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, be able to do so with exceptions for specific parts of 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	

Commission proposal	Drafting suggestions and Comments
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 **22 July 2025**~~…,]~~ its wish to take part in the adoption and application of this **Regulation.**~~[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	

PUBLIC

Commission proposal	Drafting suggestions and Comments
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:	
"Third countries *may only be designated as* 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.*";"	PT (Drafting suggestions): -"Third countries ~~*may*~~ ***shall*** *only be designated as* 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 has defined in Article 15 of that Regulation* PT

PUBLIC

Commission proposal	Drafting suggestions and Comments
	(Comments): Portugal suggests that the verb "may" should be replaced by "shall"
(1) Article 62 is amended as follows:	
(a) paragraph 1 is replaced by the follwing:	
'1. Third countries may *be designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 61* and this Article*.';*	FR (Drafting suggestions): *'1. Third countries* ~~**may**~~ ***shall*** *be designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 61* ~~**and this Article**~~*.';* FR (Comments): **La France est opposée à une "may clause » qui pourrait induire un non respect des critères fixés à l'article 61. La France propose de revenir à la rédaction initiale du règlement APR, l'article 61 pouvant se lire à la lumière du considérant 80 du règlement APR (et du considérant 16 de ce règlement) qui dispose que :** **"De par sa nature même, l'évaluation étayant cette désignation ne peut tenir compte que de la situation générale du pays sur le plan civil, juridique et politique, ainsi que du fait que les personnes commettant des actes de persécution ou de torture ou infligeant des peines ou traitements inhumains ou dégradants font effectivement l'objet de sanctions lorsqu'elles sont jugées responsables de ces actes dans ce pays".** **La France considère en tout état de cause que la liste européenne proposée est conforme aux conditions posées par l'article 61.** PT

Commission proposal	Drafting suggestions and Comments
	(Drafting suggestions): *'1. Third countries ~~may~~ **shall** be designated as safe countries of origin at Union level, in accordance with the conditions laid down in Article 61* and this Article*.';* PT (Comments): Portugal suggests that the verb "may" should be replaced by "shall"
(b) the following paragraphs are inserted after paragraph 1:	
'1a. The third countries listed 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~~States 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:	FR (Drafting suggestions): 1b. The third 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 where one of or more of the following circumstances apply to them:~~** FR (Comments): **La France rappelle ne pas être favorable à un mécanisme de suspension spécifique pour les pays candidats, créant de ce fait une double procédure à leur égard, à la différence des autres pays tiers.** **La France fait part de ses propositions rédactionnelles aux articles 1b et 1c (qu'elle a ajoutée) pour permettre une articulation claire entre la**

Commission proposal	Drafting suggestions and Comments
	procédure de backstop et les procédures de suspension et de retrait en ce qui concerne les pays candidats. IT (Comments): Italy is in favour of the present formulation of para. 1a. and 1b, as having the candidate countries listed in the Annex of the regulation would add unnecessary rigidity. SI (Comments): SI reiterates the issue of equal treatment of candidate countries compared to other countries of origin, and believes that consideration should be given to a more balanced arrangement that would ensure equal treatment while taking into account the special status of candidate countries.
	FR (Drafting suggestions): **1c. The Commission shall suspend and, if necessary, then remove the designation of the third countries that have been granted the status of candidate States as safe third countries or as safe countries of origin at Union level in accordance with the provisions of Articles 62 paragraph 1 and 63 where one of or more of the following circumstances apply to them:** FR (Comments): **La France propose que les circonstances prévues par les paragraphes a) à c) constituent les conditions de suspension et de retrait applicables aux pays candidats à l'UE.**

Commission proposal	Drafting suggestions and Comments
(a) there is a serious threat to a civilian's life or persons by reason of indiscriminate violence or in situations of international or internal armed conflict in the country;	AT (Drafting suggestions): a) there is a serious a civilian's life or persons by reason of indiscriminate violence or in situations of international or internal armed conflict in the country, **as acknowledged by the relevant Union body[, unless the threat is limited to a specific geographical area and effective protection is available in another part of that country]**; AT (Comments): AT cannot support the deletion of the former Presidency's proposal limiting the exception to specific geographical areas, and therefore advocates for its reintroduction. Such a limitation would help prevent an entire candidate State from being considered unsafe due to minor and/or temporary conflicts. DE (Drafting suggestions): there is a serious **and individual** threat to a civilian's life or persons by reason of indiscriminate violence in situations of international or internal armed conflict in the country. DE (Comments): We still believe it would be preferable to include the exact wording of Article 15 (c) of the Qualification Regulation[A]. We would once again be grateful for an explanation as to why the threat – in contrast to Article 15 (c) – is not to be an individual threat[B].

[A] Regulation (EU) 2024/1347
[B] *serious individual threat*

Commission proposal	Drafting suggestions and Comments
	PT (Drafting suggestions): there is a serious threat to a civilian's life ~~or persons~~ by reason of indiscriminate violence or in situations of international or internal armed conflict in the country PT (Comments): Portugal thinks that it is not necessary this distinction between civilian's life or persons. The elimination of the word person it makes the text clearer
[(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 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~~.~~**'**;	AT (Drafting suggestions): (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~~**40** % 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~~.~~**'**; AT (Comments):

Commission proposal	Drafting suggestions and Comments
	AT continues to advocate for an increase of the recognition rate threshold to 40 %. A 20 % recognition rate would significantly restrict the effective application of the SCO concept, as a candidate State with fluctuating recognition rates could very quickly cease to qualify as a safe country of origin at EU level – and consequently also at national level.
[(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 negotiating framework.';]	FR (Drafting suggestions): ~~**[(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 negotiating framework.';]**~~ FR (Comments): **La France souhaite la suppression de cette circonstance compte tenu des incertitudes qu'elle emporte sur la liste des pays candidats.** PL (Comments): The recent discussion at the Counsellors meeting showed that exception d could further complicate the situation and our discussion (Georgia context), so we would like to remove it.
	FR (Drafting suggestions): FR: **Prior to the suspension of the designation of a third country that has been granted the status of candidate State as a safe third country or as a safe country of origin at Union level, the approval of the Council, following an information from the Commission, has to be obtained where the « a » circumstance referred to in this paragraph applies.**

Commission proposal	Drafting suggestions and Comments
	FR (Comments): **La France a souhaité préserver le rôle du Conseil dans la détermination de l'application de la circonstance a), sur la même logique que l'option présentée par la Présidence danoise pour le mécanisme de backstop.**
Where any of the circumstances referred to in the first subparagraph, points (a) to (d), apply, **or cease to apply, the Commission shall inform the Member States and the Council thereof, in the case of point (a) after obtaining the prior approval of the Council.** ~~**the candidatethird country concerned shall no longer be considered as a safe country of origin. With a view to implementing points (a) to (cd), the Commission shall conduct an assessment and duly inform the Council. Where the Commission's assessment is aproved by the Council, the Commission shall, when any of those circumstances apply, immediately publish a notice in the C series sectionof 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*.**~~	AT (Comments): With regard to the options presented for the backstop mechanism, **AT prefers option 1**, as already emphasized several times in the WP Asylum, according to which the application of the exceptions must be published by the EC in the Official Journal. Option 3, which was supported by most member states, still needs to be examined. DE (Comments): Option 3 seems like a good compromise to us, as it ensures the involvement of the Council while at the same time taking into account the Commission's concerns. If the exception set out in point (b) is adapted as proposed, we believe that in these cases, too, the Council should be involved before information from the Commission. ES (Comments): Spain proposes a mixed solution combining drafting options 1, 2 and 3 given the need to differenciate among circumstances and the institutional intensity

Commission proposal	Drafting suggestions and Comments
	that each one of them would require. Hence, Spain proposes option 1 drafting proposed by PRES PL for point (c), option 2 drafing proposed by the COM for point (d) and option 3 drafting proposed by the PRES for points (a) and (b). FR (Drafting suggestions): ~~**Where any of the circumstances referred to in the first subparagraph, points (a) to (d), apply, or cease to apply, the Commission shall inform the Member States and the Council thereof, in the case of point (a) after obtaining the prior approval of the Council. the candidatethird 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, when any of those circumstances apply, immediately publish a notice in the C series sectionof 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*.**~~ PL (Comments): We remain flexible regarding the method of informationas by the Commission, if this would lead us to a constructive solution and consistent application of the EU SCO list. However we still find it as a good solution to use the EU Official Journal for this purpose. Especially that initial assessment of the Commission could then be confirmed by the Council before the publication and the publication itself

Commission proposal	Drafting suggestions and Comments
	would fulfil the need for information not only for the Council but also for the EP if needed. However in seeking arguments to support the Commission's proposal (option2), we see some gaps e.g. what will happen if any relevant EU body (Council or European Council) submits a conclusion on the existence of an armed conflict. Will the Commission then apply Article 63? What differences Commission identify between its assessment provided under Article 63 and exception a in terms of backstop mechanism? As for option 3 we were positive as it was raised during last Counsellor's meeting. It seems that a bit of further work is still needed if we want to keep the logic of maintaining the candidate country category. This approach would support a faster adoption of the application and the classification of a larger number of countries as safe so we are ready to support Presidency in this process **and still considering our possible final support for options that are already on the table.** However, if we do not find a satisfactory solution, PL is also ready to work on an alternative in the form of listing all countries on the list, but this would significantly delay the adoption of the legislative proposal, and possibly fewer countries could be included on the list or there would be a need to work out an exceptions (territorial or personal). PT (Comments): Portugal thinks that a notification system is necessary to safeguard the legal certainty and welcomes the Presidency efforts on trying to find the best

Commission proposal	Drafting suggestions and Comments
	mechanism possible. In this sense, Portugal could support the last considerations of the Commission without prejudice to further proposals. SI (Comments): With regard to the procedure itself in the event of any of the exceptions, SI favors the first option, which follows the proposal of the Polish Presidency, but we are open to the final proposal and, in the spirit of compromise, could also support the compromise proposal in option 3 which was included in the latest revised proposal. However, we still maintain our position that it would be sensible to consider notifying the Council in advance in the event of a candidate country being re-designated as a safe country of origin.
~~**Where any of these circumstances that led to the notice referred to in the second subparagraph cease to apply,[the Commission shall conduct an assessment, inform the Council thereof, and where the assessment is validatedapproved by the Council,] the Commission shall immediately publish a notice in the C series sectionof the *Official Journal of the European Union* to that effect.]**~~	
(c) paragraph 4 is replaced by the following:	
'*4. The Commission is empowered to adopt delegated acts in accordance with Article 74 concerning the suspension*, in whole or in part, *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*;	FR (Drafting suggestions): **4.** The Commission is empowered to adopt delegated acts in accordance with Article 74 concerning the suspension~~**, in whole or in part,**~~ 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;

Commission proposal	Drafting suggestions and Comments
	FR (Comments): **La France souhaite la suppression de la possibilité de suspendre partiellement la désignation d'un pays d'origine sûr ou d'un pays tiers sûr pour plusieurs raisons:** - **Il n'est pas prévu qu'on puisse partiellement suspendre la désignation d'un pays candidat.** - **La distinction entre, d'une part, la possibilité de désigner des pays avec des exceptions territoriales ou catégorielles et, d'autre part, la suspension partielle d'un territoire ou d'une catégorie *a posteriori*, n'est pas claire.** - **Il subsiste d'importantes incertitudes sur les effets de cette suspension partielle sur les accords multilatéraux ou bilatéraux en vigueur avec le pays tiers sûr concerné.** PL (Comments): Does the expression "in whole or in part" refer to suspension? – we suggest clarifying it
(2) Article 63 is replaced by the following:	

Commission proposal	Drafting suggestions and Comments
'Article 63 Amendment, *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*	FR (Drafting suggestions): 'Article 63 ~~**Amendment,**~~ ~~s~~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 SI (Comments): With regard to the proposed amendments and additions to Article 63, which regulates changes, temporary revocation, and permanent removal of the designation of a third country as a safe third country or safe country of origin, SI has raised a scrutiny reservation. In this regard, we welcome the changes to the introductory provision 17a, which ensures greater clarity of the text, and we believe that we could support the proposal.
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, 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:	FR (Drafting suggestions): *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, 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:***~~ PL (Comments): Does the expression "in whole or in part" refer to conditions? – we suggest clarifying it
	FR

Commission proposal	Drafting suggestions and Comments
	(Drafting suggestions): **Where any of the circumstances referred to in Article 62 paragraph 1c. apply to a third country that has been granted the status of candidate State or where the Commission considers, on the basis of the evaluation referred to in the first paragraph, that a safe third country or a country listed in Annex II to this Regulation no longer fulfils the conditions set out in Article 59 or 61, the Commission 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.**
(a) where the conditions set out in Article 59 or 61 are no longer met in relation to specific parts of the third country's territory or clearly identifiable categories of persons in the country, the Commission shall adopt a delegated act in accordance with Article 74, to partially suspend the designation of thate third country as a safe third country or as a safe country of origin at Union level for that part or category of persons for a period of six months.	DE (Comments): We thank the Presidency for clarifying at the last meeting that Article 63 is also to be applied to EU accession candidates. In this case, there should be a provision stating how it is to be made transparent for those applying the law that the designation of a third country has been temporarily removed or deleted.[C] FR (Drafting suggestions): **~~(a) where the conditions set out in Article 59 or 61 are no longer met in relation to specific parts of the third country's territory or clearly identifiable categories of persons in the country, the Commission shall adopt a delegated act in accordance with Article 74, to partially suspend the designation of thate third country as a safe third country or as a safe country of origin at Union level for that part or category of persons for a period of six months.~~**

[C] "The amendment shall be made by entering an annotation […]."

Commission proposal	Drafting suggestions and Comments
(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 *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.*	FR (Drafting suggestions): ~~**(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 *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.**~~
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, points (a) or (b), *suspending the designation of a third country as a safe third country or as a safe country of origin at Union level* for all or certain parts or categories of persons of the third country concerned*, it shall, within three months of the date of adoption of that delegated act, submit a proposal, in accordance with the ordinary legislative procedure,* in order *to*:	FR (Drafting suggestions): Where the Commission has adopted a delegated act in accordance with paragraph 1~~**, points (a) or (b),**~~ suspending the designation of a third country as a safe third country or as a safe country of origin at Union level ~~**for all or certain parts or categories of persons of the third country concerned,**~~ it shall, within three months of the date of adoption of that delegated act, submit a proposal, in accordance with the ordinary legislative procedure, in order to~~**:**~~
(a) amend the designation of that third country as a safe third country or safe country of origin at Union level by introducing exceptions to the designation for the specific parts of the country's territory or the clearly identifiable categories of persons covered by the delegated act adopted pursuant to paragraph 1, point (a); or	FR (Drafting suggestions): ~~**(a) amend the designation of that third country as a safe third country or safe country of origin at Union level by introducing exceptions to the designation for the specific parts of the country's territory or the clearly**~~

Commission proposal	Drafting suggestions and Comments
	~~**identifiable categories of persons covered by the delegated act adopted pursuant to paragraph 1, point (a); or**~~
(b) *remove that third country's designation as a safe third country or ~~of~~ safe country of origin at Union level.*	FR (Drafting suggestions): ~~**(b)**~~ *remove that third country's designation as a safe third country or 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 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 or amend *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 or partial *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.';*	FR (Drafting suggestions): *5. Without prejudice to paragraph 4, where the proposal submitted by the Commission to remove* ~~**or amend**~~ *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 or partial**~~ *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 replaced by the following:	

PUBLIC

Commission proposal	Drafting suggestions and Comments
'Article 64 *Designation of third countries as safe third country or safe country of origin at national level*	
1. Member States may retain or introduce legislation that allows for the national designation of safe third countries or safe countries of origin other than those designated at Union level for the purpose of examining applications for international protection.	
2. Where the designation of a third country as a safe third country or as a safe country of origin at Union level has been fully or partially *suspended,* by means of a delegated act adopted *pursuant to Article 63(1),* points (a) or (b), *Member States shall not designate that country as a safe third country or a safe country of origin at national level.*	FR (Drafting suggestions): Where the designation of a third country as a safe third country or as a safe country of origin at Union level has been ~~**fully or partially**~~ suspended, by means of a delegated act adopted pursuant to Article 63(1), ~~**points (a) or (b),**~~ Member States shall not designate that country as a safe third country or a safe country of origin at national level.
3. Where the designation of a third country as a safe third country or as a safe country of origin at Union level has been amended or removed *in accordance with the ordinary legislative procedure, a Member State may notify the Commission that it considers that, following changes in the situation of that country, it again fulfils the conditions set out in Article 59(1)* or *Article 61.*	FR (Drafting suggestions): *Where the designation of a third country as a safe third country or as a safe country of origin at Union level has been* ~~**amended or**~~ removed *in accordance with the ordinary legislative procedure, a Member State may notify the Commission that it considers that, following changes in the situation of that country, it again fulfils the conditions set out in Article 59(1)* or *Article 61.*

Commission proposal	Drafting suggestions and Comments
The notification shall include a substantiated assessment of the fulfilment by that country of the conditions set out in Article 59(1) or *Article 61, including an explanation of the specific changes in the situation of the third country which make that country fulfil those conditions again.* **Where applicable,** ~~**T**~~the Member State shall specify in its notification the parts of territory or categories of persons of the third country to whom its assessment applies.	DE (Comments): We welcome the addition of "*where applicable*". FR (Drafting suggestions): The notification shall include a substantiated assessment of the fulfilment by that country of the conditions set out in Article 59(1) or Article 61, including an explanation of the specific changes in the situation of the third country which make that country fulfil those conditions again. ~~**Where applicable, the Member State shall specify in its notification the parts of territory or categories of persons of the third country to whom its assessment applies.**~~ PL (Comments): Support for the last change in the text because in our opinion this obligation should not apply to every situation.
Following the notification, the Commission shall request the Asylum Agency to provide it with information and analysis on the situation in the third country.	
The notifying Member State may only designate that third country as a safe third country or as a safe country of origin at national level provided that the Commission does not object to that designation.	
The Commission's right of objection shall be limited to a period of two years after the date on which that third country's designation as a safe third country or a safe country of origin at Union level has been removed. Any	

Commission proposal	Drafting suggestions and Comments
objection by the Commission shall be issued within a period of three months after the date of each notification by the Member State and after due review of the situation in that third country, having regard to the conditions set out in Articles 59(1) and 61 of this Regulation.	
	FR (Drafting suggestions): **Where it considers that conditions set out in Articles 59(1) or 61 are fulfilled again by a third country initially designated as a safe third country or initially listed in Annex II to this Regulation, the Commission may submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to again designate that third country as a safe third country or as a safe country of origin at Union level.**
Where the case notified by the Member State concerns a third country whose designation as a safe third country or as a safe country of origin at Union level has been amended **pursuant to Article 63(3), point (a),** in order to provide for exceptions to the designation as set out in Article 61(2), the Commission ~~**shall**~~ **may**, where it considers that the conditions set out in Articles 59(1) or 61 are once again fulfilled with regard to all or some of the parts of territory or categories of persons covered by the notification received pursuant to paragraph 3, submit ~~**without delay**~~ a proposal, in accordance with the ordinary legislative proceudre, in order to lift those exceptions by amending this Regulation accordingly.	FR (Drafting suggestions): ~~**Where the case notified by the Member State concerns a third country whose designation as a safe third country or as a safe country of origin at Union level has been amended pursuant to Article 63(3), point (a), in order to provide for exceptions to the designation as set out in Article 61(2), the Commission shall may, where it considers that the conditions set out in Articles 59(1) or 61 are once again fulfilled with regard to all or some of the parts of territory or categories of persons covered by the notification received pursuant to paragraph 3, submit without delay a proposal, in accordance with the ordinary legislative proceudre, in order to lift those exceptions by amending this Regulation accordingly**~~.
	FR (Drafting suggestions):

Commission proposal	Drafting suggestions and Comments
	Where it considers that any of the circumstances referred to in Article 62 paragraph 1c. cease to apply to a third country that has been granted the status of candidate State, the Commission may submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to again designate that third country as a safe third country or as a safe country of origin at Union level.
Where the case notified by the Member State concerns a third country whose designation as a safe third country or as a safe country of origin at Union level has been removed **pursuant to Article 63(3), point (b)**, the Commission may, w*here it considers that th~~ose~~ conditions* set out in Articles 59(1) or 61 *are fulfilled, submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to* again *designate that third country as a safe third country or as a safe country of origin at Union level.*	FR (Drafting suggestions): ~~**Where the case notified by the Member State concerns a third country whose designation as a safe third country or as a safe country of origin at Union level has been removed pursuant to Article 63(3), point (b), the Commission may, *where it considers that theose conditions* set out in Articles 59(1) or 61 *are fulfilled, submit a proposal, in accordance with the ordinary legislative procedure, for amending this Regulation to* again *designate that third country as a safe third country or as a safe country of origin at Union level.***~~
4. Member States shall notify the Commission and the Asylum Agency of the third countries that are designated as safe third countries or safe countries of origin at national level by 12 June 2026 and immediately after each designation or change to designations. Member States shall inform the Commission and the Asylum Agency once a year of the other safe third countries to which the concept is applied in relation to specific applicants as referred to in Article 59(4), point (b).’;	
(4) Article 78 is amended as follows:	
(a) in paragraph 2, the word ‘Annex’ is replaced by the word ‘Annex I’;	

PUBLIC

Commission proposal	Drafting suggestions and Comments
(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 in accordance with Articles 36 and 37 Directive 2013/32/EU and that of 'safe third country' 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 States 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 transposed the relevant provisions and implemented the special procedures mentioned in this Article at national level before the date of entry into force of Regulation (EU) …/…[amending Regulation (EU) 2024/1348].';	
(c) paragraph 4 is replaced by the following:	
'*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.*;'	

PUBLIC

Commission proposal	Drafting suggestions and Comments
(6) 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*	