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From: To:	General Secretariat of the Council Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level – compilation of comments of delegations

Following the meeting of the Asylum Working Party (AWP) on 24 April 2025, delegations will find attached a compilation of comments received in response to the request for comments from the Presidency on the above-mentioned proposal.

ANNEX

- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level –

written comments of the Member States following Asylum working party meeting on 24 April 2025

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AUSTRIA

Please find below **written comments by Austria on the Commission proposal** as regards the establishment of **a list of safe countries of origin at Union level**:

Austria appreciates the discussion on the Commission proposal as regards the establishment of a list of safe countries of origin at Union level.

Austria welcomes the countries of origin designated therein and the proposals for the early application (frontloading) of relevant provisions of the APR.

Austria already has a comprehensive list of safe countries of origin at national level and acknowledges the intended value of the list at Union level as a compliment to national lists.

Austria thanks the Commission for the clarifications regarding the coexisting relation between the list at Union level and the lists at national level. This coexistence enables a broad harmonization at the European level while still offering Member

States flexibility in designating additional safe countries of origin at the national level and ensures the effective application of the safe country of origin concept. With regards to the APR, this clear relation should be more strongly reflected in the legal framework.

Austria supports the view that the list at Union level should be strong and comprehensive and that further third countries must be designated as safe countries of origin. Examples that could be cited include Armenia, Algeria, Benin, Ghana, and Senegal.

A restricted list could send an unintended signal to certain third countries if the EU does not formally recognize these third countries with significantly low recognition rates but high migration potential as safe countries of origin.

Austria aligns itself with the questions raised within the Council Working Group and would like to point out that:

PUBLIC

The APR provides for a large number of safeguards for the concept, particularly with reference to the definition of safe countries of origin and the maintenance of individual case assessment. Therefore, the proposed exemptions appear to merely impose further limitations on the concept and could thus be omitted entirely.

Given that restrictive measures have no direct relevance to the designation of a third country as safe country of origin, Austria suggests that the exemption under the (proposed) Article 62(1)(a) of the APR be deleted from the proposal. Should deletion not be envisaged, the exemption should be limited only to restrictive measures of a migration and asylum-relevant nature.

The proposed exemption regarding the 20% recognition rate (proposed Article 62(1)(b) of the APR) would severely restrict the effective applicability of the safe country of origin concept, since a third country with temporarily fluctuating recognition rates could very easily cease to qualify as a safe country of origin at EU level, and thus also at national level.

Türkiye – in line with the Commission's view – should be designated as a safe country of origin.

For the sake of legal certainty, Member States must be adequately informed whenever, from the Commission's perspective, one of the three exemptions under the proposed Article 62(1) of the APR is deemed fulfilled.

The Commission's timetable for further negotiations should be shared, and Member States should be involved in the designation of safe countries of origin, without interfering with the Commission's right of initiative.

PUBLIC

CYPRUS

Comments by the Republic of Cyprus on the draft regulation amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (Brussels, 16.4.2025, COM(2025) 186 final 2025/0101 (COD).

PUBLIC

Regarding the list and determination of safe countries of origin (SCOs)

1. Cyprus thanks the Commission for submitting the draft Regulation. It is a positive step towards more harmonization in the EU asylum procedures ahead of the implementation of the Pact on Migration and Asylum.
2. We are in principle in favour of the elaboration of a common list of safe countries of origin (SCOs) at EU level.
3. We thank the Commission for ensuring that the list is supplementary to the national lists and that MSs will be able to continue establishing national lists of SCOs as they do now.
4. We also thank EUAA for undertaking the task of setting out the methodology for the identification of the SCOs at Union level and for preparing the Country of Origin Information. We wonder whether the documentation used could be available to MSs.
5. We understand the rationale of COM in not naming the candidate countries. However, we wonder whether, for legal certainty, these countries should be referred to by name.
6. Regarding article 1 point (a) of the draft Regulation, it is unclear who decides that "there is a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict in the country"? It would be important that this is a uniform decision taken at EU level, so as to avoid discrepancies of application among MSs.
7. In the same article, point (c), it is unclear who assesses that "the proportion of decisions by the determining authority granting international protection to the applicants from the country […] is higher than 20%" and how is this decision taken? At the end of each year when the Eurostat data are announced? More frequently? Again, it would be useful to clarify in the draft Regulation these issues in order to avoid differentiated applications of the SCO by MSs and also avoid retroactive legal challenges to determination decisions.

Regarding the new ground for applying accelerated and border procedures based on an EU-wide 20% recognition rate threshold:

8. We are thankful for allowing the earlier implementation of the relevant APD provisions. We wonder, however, on the choice to add this modification to the proposal on the SCO EU list. As COM has already undertaken, under art. 77 APR to review and possibly frontload the concept of the Safe Third Country, perhaps it would have been more judicious to add this modification which in essence has the same objective, namely bringing forward, the application of some provisions of APD with that amending regulation.
9. Notwithstanding this, we need some clarification as to how the application of this provision will take place, namely:
    - Who is responsible for assessing that the recognition rate for a specific country remains below 20% or has exceeded this threshold? Should it be each national authority on its own looking at the official data from Eurostat? Should there be an official announcement by COM that a country, as of such date, exceeds the threshold?
    - What frequency should we follow? Monthly? Each quarter? Biannually?
    - If national authorities must confirm the percentage of the threshold, how do we avoid that a country is, at a specific day, considered safe for one MS and no longer safe for another one?
    - How to ensure that an international protection decision based on the fact that a country has a recognition rate of below 20% is not challenged because it has been retroactively assessed that on the day of the decision the threshold was exceeded? It would be useful that such issues are solved in the regulation.

PUBLIC

THE CZECH REPUBLIC

Concrete comments regarding the proposal:

Article 1:

Par. 1 Article 62, paragraph 1 is amended as follows:

(a) paragraph 1 is ~~replaced~~ amended by the following:

In our understanding, this wording means that the current Article 62 par. 1 of APR will be deleted as such. We prefer to keep the current text of Article 62 par. 1 of APR as it is important rule for the future designation of the safe countries of origin. Therefore, it is proposed to replace the phrase as indicated above.

Concerning the content of the Article 1 we would like to emphasize that we welcome the designation of candidate states for accession to the Union as safe countries of origin. However, we think that several amendments are needed especially regarding the exceptions, when the candidate country should not be designated as safe country of origin.

CZ prefers the possibility of direct inclusion of the candidate states to the list of safe countries of origin. In case of any relevant changes in the respective candidate state the mechanism pursuant to Article 63 of APR can be used.

Another option is to create a new mechanism solely for the candidate states. According to this mechanism the relevant candidate state when any of the circumstances proposed in the Article 1 occur should not be designated as safe country of origin.

We should avoid the situation when the candidate states will be examined if they are safe or not, differently in the Member States. It is necessary to ensure the convergence in the application of the exceptions as much as possible.

It is also necessary to create the mechanism how to “return” the candidate state concerned among the safe countries of origin in case of the improvement of the situation in the candidate state.

PUBLIC

Comments related to the proposed exceptions:

The circumstance mentioned in Article 1 par. 1 letter a) is too strict in our point of view. The wording should be amended. In our understanding the text in letter a) indicates the individual examination of every single case, which is not the case in relation to the safe countries of origin.

Letter b) we support the redrafting or even deletion as has been mentioned during asylum working party meeting.

Letter c) In our view it is crucial to set up the time limit when it is necessary to count the recognition rate of 20 % or higher to achieve the necessary predictability. Moreover, it is also necessary to set up the mechanism how to inform Member states on the relevant recognition rates.

PUBLIC

ESTONIA

We are supportive of the Commission´s proposal and the establishment of a list of safe countries of origin at Union level.

We consider it important that, in addition to the EU-wide lists of safe countries of origin and safe third countries, Member States will still have the possibility to establish national lists in order to ensure the necessary flexibility to cope with different migration flows. We also find it important to ensure that the EU-wide list of safe countries is regularly assessed and amended if necessary.

Estonia can also support the Commission´s proposals in the draft regulation amending regulation (EU) 2024/1348, as it provides additional flexibility for Member States with a large number of asylum seekers and who wish to implement the border procedure option of the EU migration and asylum package already before June 2026. Since Estonia is not currently under great migratory pressure, we do not consider the earlier implementation of those measures in Estonia necessary.

PUBLIC

FINLAND

Finland is still studying the Commission proposal as regards the establishment of a list of safe countries of origin at Union level and therefore the comments provided here are preliminary and may be complemented at a later stage. As mentioned in the working party, Finland would like to confirm that the proposed new article 1(2)b amending article 79 does not mean that the Member States will be required to amend their national legislation to allow for the application of this amendment? If so, Finland would propose reformulation of the article to make this clearer.

Finland reiterates its wish for the Commission to adopt other proposals amending regulation (EU) 2024/1348 as swiftly as possible to allow for a full picture.

PUBLIC

FRANCE

Proposition de la Commission 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 rappelle être favorable à l'accélération des travaux de mise en œuvre du Pacte, qui doit se faire sans préjudice de la pleine mise en œuvre de l'acquis en vigueur, notamment s'agissant du règlement Dublin. Toute mise en œuvre anticipée ne peut par ailleurs se faire qu'en restant très coordonnés pour éviter tout effet collatéral indésirable et pour préserver l'équilibre entre solidarité et responsabilité.
- La France pose une réserve d'examen sur l'ensemble de la proposition et fera part de ses premières observations à ce sujet lors du groupe asile du 16 mai.
- La France, qui par ailleurs ne peut appliquer la notion de « pays tiers sûr » en raison d'un obstacle constitutionnel, analyse actuellement au regard de son droit national la faisabilité juridique de la mise en œuvre anticipée des deux autres propositions de la Commission : la possibilité, pour les Etats membres et pour l'UE, de désigner un pays tiers comme POS en prévoyant des exceptions territoriales et catégorielles, et l'ajout du motif de placement en procédure accélérée pour les demandeurs d'asile ressortissants ou provenant d'un pays dont le taux de protection internationale est inférieur ou égal à 20%.

  La France analyse également la proposition de liste de pays d'origine sûre au niveau de l'Union, en particulier l'annexe II de la proposition.

Enfin, la France rappelle qu'il sera nécessaire que les institutions et les Etats membres aient une communication claire vis-à-vis des pays tiers afin de préciser la portée du statut de POS ainsi que des exceptions catégorielles et géographiques.

PUBLIC

GERMANY

Safe countries of origin

- What is the cut-off date for determining the 20 per cent recognition rate threshold under draft Article 62 (1) (c)?
- Would Member States be allowed to keep a third country on their national list of safe countries of origin if that country is also on the EU list and if the scope of the derogations on both lists is the same, i.e. both lists do not provide for any derogations for the third country in question or they provide for the same derogations?
- Can Member States designate or keep an EU-candidate country as safe country of origin on their national list if the Commission holds that at least one of the derogations in draft Article 62 (1) (a) to (c) applies to that country? In the absence of an explicit listing of EU candidate countries, how to deal with diverging views between Commission and Member States in the period of time until the European Court of Justice may decide on the fulfillment of the derogation requirements in Art. 62 (1) (a) to (c)?
- Would any country other than Ukraine currently fall under any of the derogations in draft Article 62 (1) (a) to (c) in the view of the Commission or the Legal Service of the Council?
- In our preliminary assessment, it seems worth considering a clear and transparent mechanism to determine whether the derogations in Article 62 (1) are met. Otherwise, we see a risk of diverging practices in the Member States.
- Pages 10, 11 (Explanatory Memorandum) and 21 of the proposal state that India had ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment. We understand that India has signed but not ratified this Convention.
- We have noticed in particular that the proposal does not provide for any exceptions for the seven states explicitly named in Annex II of the proposal for specific parts of its territory or clearly identifiable categories of persons. We will examine this more closely.

PUBLIC

Frontloading

- If we understood the Commission correctly in the last Asylum Working Party, it would be *mandatory* to process applications received from applicants from third countries with 20 per cent recognition rate or lower in the accelerated procedure even before June 2026, whereas processing them in the border procedure would still be voluntary until June 2026. In our understanding of the proposal, processing the applications received from applicants from third countries with 20 per cent recognition rate or lower in the border or accelerated procedure would both remain flexible and not be mandatory for Member States before June 2026. We would appreciate if the Commission could confirm our understanding.
- Would the possibility of an early application of the 20 per cent recognition rate in the border procedure also apply to unaccompanied minors? According to Article 53 (1), the border procedure shall be applied to unaccompanied minors only in the circumstances referred to in Article 42 (3), point (b). This needs further clarification in our point of view. We are struggling to find a reason why unaccompanied minors should not be exempt.

PUBLIC

GREECE

EL advocates for the establishment of European lists of Safe Third Countries and Safe Countries of Origin, as they will contribute to a common application of the asylum procedures, and thus, facilitate the convergence of the asylum systems across the EU.

In that context, we welcome the proposal on the establishment of a list of Safe Countries of Origin (doc 8042/25 and 8042/25 ADD 1).

While, we continue scrutinizing the text, we are herewith providing our initial assessment for further technical clarifications and additions we deem necessary.

In order to avoid diverse interpretation of art 1 and on the fulfillment or not of the conditions laid down in points a, b and c, it should be added :

- a **procedure** by which the Commission will inform the Member States, that a candidate state for EU membership can no longer be considered as safe country of origin in the context of Reg. 2024/1348 , if any of the exclusions of points (a), (b) (c) are applicable.
- the **scope of** point **(b)** should be further clarified in order to be clear, that the third country's actions, based on which restrictive measures were adopted, concern the criteria of designation of a third country as safe country of origin, as set out in art. 61 of Regulation 2024/1348.

PUBLIC

IRELAND

- Many of the countries in the proposed Union list are already designated at national level in Ireland, although some countries would represent additions. As raised by our French colleagues at AWP on 24 April, we would be eager to obtain more information in relation to the interaction between Union-level lists and national lists. We understand from the Commission's comments that Union lists will have precedence over national lists, and that a country cannot be subsequently designated at national level when it is already on a Union list. Moreover, a previous partial designation of a country at national level would be invalidated a full designation of a country at Union level. However, we would like to avoid a situation whereby it is necessary to remove a country from our national list where it is subsequently designated at Union level. It ought to be sufficient for the Union list to supersede duplicate whole designations at national level without the need for legislative amendments at the national level.

- Recital 18 has an error and should refer to Article 42(1)(j) rather than Article 41(1)(j).

PUBLIC

- We have a drafting point on the amendment to Article 62(1). Grounds (b) and (c) are straightforward and are very clearly factual matters. However, we have concerns about ground (a). We welcome the clarification from the Commission at the AWP that this refers to a country where this is an ongoing war. This had been our understanding of the proposed wording. We wish to emphasise that we fully support the inclusion of a ground covering an ongoing war and view this as a necessary safeguard. However, we consider that the drafting of this ground could be improved to provide clarity. The wording as it stands, and, in particular, the reference to an "individual threat" in our view invites an individual assessment in respect of the country and the applicant in question. Individual assessments are contained in Article 61(5) not this Article. Article 62 should relate only to the circumstances in the country itself. The Commission noted at AWP on 24 April that it considered that some form of communication may be made by the Commission where a ground in Article 62(1) applies in respect of a country but that this would not be by way of a delegated act given that the countries covered by Article 62(1) are not formally designated. This would provide clarity in the application of the Article. However, our concerns nonetheless relate to the focus on the *individual* in Article 62(1)(a) and the manner in which this may be interpreted by the Courts, particularly where this is no reference in the Article itself as to how the Commission may seek to suspend the operation of Article 62(1) in respect of a country. With this in mind, we consider that (a) would be better drafted as follows:

"(a) there is a serious threat to the lives of civilians or persons by reason of indiscriminate violence or situations of international or internal armed conflict in the country;"

- Finally, in relation to the proposed amendment to Article 79, we would like to propose an amendment to paragraph (4) to ensure that Ireland's position in fully reflected. This would be achieved by the following amendment (in red) in respect of that paragraph:

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

We welcome the Commission's positive response to this request at AWP on 24 April.

PUBLIC

THE NETHERLANDS

Proposal for a regulation establishing a list of Safe Countries of origin at Union level (COM(2025) 186)

PUBLIC

We thank the Presidency for the opportunity to submit written comments. Below you will find the comments by the Netherlands on the proposal for a regulation establishing a list of Safe Countries of origin at Union level (COM(2025) 186).

NL welcomes the proposal, endorses policy convergence between Member States and highlights the importance of a swift examination of applications for international protection that are likely to be unfounded. NL also welcomes the proposal to frontload some parts of the Asylum Procedure Regulation, especially where it regards the possibility to apply the border procedures when the applicant is from an country for which the granting rates are 20% or lower.

The proposal aims, among others, to address some of the existing divergences between Member States' national lists of safe countries of origin.

From this point of view, it seems important that the Commission shares the sources, criteria and method used for the assessment of the proposed countries on the EU list. That way we can (better) ensure that assessments for a national list are consistent with and in line with, the European approach and that of other Member States.

On basis of the proposed EU-list, we conclude that in recent years the Netherlands has possibly been too strict in the application of the concept based on the criteria deriving from the Procedures Directive. The Netherlands came to a different conclusion regarding various countries that are proposed on the European list of safe countries of origin. Also, Dutch case law is critical of the safe country policy and its substantiation.

This underlines the importance of the Commission making its method of assessment and sources public, or at least transparent, so that this can be followed for national lists and procedures.

From the point of view of convergence and facilitating Member States, it would be most helpful if the proposed European list of safe countries of origin becomes part of the 'frontloading'.

Some open questions

We still have some clarifying questions and will ask them during the upcoming council working groups

- Do we understand correctly that no areas are exempted for the proposed countries and that no exception categories are provided for? How should the following conclusion be read in that context?
  '*The designation of those countries as safe countries of origin at Union level is without prejudice to the rule set out in Regulation 2024/1348, according to which Member States may apply the concept of a safe country of origin only where applicants cannot provide elements justifying why the concept of safe country of origin is not applicable to them, in the framework of an individual assessment. In that context, special attention should be paid to applicants who are in a specific situation in those countries, such as LGBTIQ persons, victims of gender-based violence, human rights defenders, religious minorities and journalists.*'
- In which cases can the Commission imagine that exceptions can/should be formulated regarding areas and population categories? Is this only in the case of a risk of persecution/when groups are demonstrably at risk (i.e. not merely procedurally exempt from fast-track treatment)?
- *'Once adopted by the European Parliament and the Council, this list will be dynamic and can be further expanded or reviewed over time.'* Can the Commission elaborate on how it envisions this (specifically 'dynamic')?
  Are we reading Article 1 correctly when we conclude that no exceptions are possible for candidate Member States? If so, how does the Commission view, for example, South Ossetia and Abkhazia (Georgia)?
- How are Jammu and Kashmir included and weighted in the assessment of India?
- We need more insight in the questions above to be able to react to the proposed articles specifically.

PUBLIC

PORTUGAL

Portugal can support the text of the proposal. However, it has reservations about including in the list of safe countries those that have not yet abolished the death penalty.

PUBLIC

THE SLOVAK REPUBLIC

We would like to thank the Commission for the proposal in question, and we welcome the debate on this topic. At the same time, we would like to express a scrutiny reservation on this motion.

We have some additional questions on this proposal:

- We would like to know details of the procedure if a candidate country exceeds the 20% threshold - who will decide if it is safe and how will this be communicated?
- What would be the procedure for a Member State to apply an exception for a particular country of origin (region or category of persons) in accordance with APR art. 61 (2)?

PUBLIC