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

Following the meeting of the Asylum Working party on 11 July 2025, delegations will find attached a compilation of comments received from Member States on the abovementioned subject.

ANNEX

Written comments submitted by the Member States
(follow up 11.07.2025 AWP)

compilation of comments of delegations written contributions regarding
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (SCO proposal)

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AUSTRIA

Austria thanks the European Commission for the clarifications of open questions during the Asylum Working Party.

Austria also thanks the Presidency for the preparation of the discussion paper as well as for the questions contained therein, which will be addressed in more detail below.

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

Regarding the question of **retaining Article 62(1) APR**, Austria, in light of the requests above, supports the Presidency's proposal and expresses **its position of maintaining paragraph 1**.

Austria has consistently advocated for **strong and comprehensive lists at Union level**, as only this approach can ensure an effective application of the SCO concept. In order to fully harness the potential of the concept, contrary to the Presidency's proposal, Austria is **in favour of designating additional third countries** as safe countries of origin at Union level. Austria would therefore welcome **further discussions on additional safe countries of origin**. In this context, Austria recalls the possible signalling effect toward certain third countries.

Regarding the consideration of additional **EUAA data in relation to recognition rates**, Austria advocates for the **use of only Eurostat data** until Eurostat and EUAA data are fully harmonized.

Regarding the **notification procedure**, Austria would welcome a model along the lines of the **proposal put forward by the Polish Presidency** in case that the exceptions for accession candidates are incorporated into the final draft. **Involving the Council** in the notification procedure would help ensure a coordinated process and foster a consistent application of the relevant provisions throughout all Member States.

PUBLIC

Since the start of the discussions, Austria has called for the **coexistence between the list at Union level and the national lists** to be more clearly reflected in the APR. At the same time, however, the provisions must ensure sufficient flexibility for Member States in handling their national lists. Therefore, Austria **does not support the proposed paragraph 1a** by the Presidency, as such provision would only create **additional administrative burdens**. For example, each inclusion of an additional safe country of origin at Union level could lead to the initiation of a formal legislative procedure at national level, provided that safe countries of origin are designated by law on national lists.

PUBLIC

BELGIUM

BE would like to thank the DK presidency for the very interesting and thought provoking discussion paper on safe countries of origin. As for the safe third countries, BE does not yet have a formal position on the safe country of origin proposal, which explains why we were not yet able to provide a response to the questions posed during the AWP. Apart from the valuable questions raised by the PCDE, BE would like to pose some other questions – some already briefly mentioned during the previous discussions, but where we feel a more clear understanding is needed:

- Both for the candidate member states and the countries on the EU list, we would like to have a better understanding why territorial and categorical exceptions as provided by APR are not taken into account. Given the circumstances in eg. Moldova or Bangladesh, these exceptions could have a significant impact to safeguard certain people. We would therefore like to ask what the rationale behind the decision not to make use of these exceptions is.
- Adhering to our study reservation, BE welcomes the use of the backstop criteria as proposed by COM, but wishes to receive more information on the use of backstopcriterium c, where a candidate member state seizes to be a safe country of origin when more than 20% of nationals of that candidate member state are granted international protection. BE fears severe national implications if one or some member states have to process the bulk of these applications, in which case a 'European average of 20%' would create a distorted picture.
- For BE, it remains unclear how exactly the country selection on the EU list came about, as we understand correctly that the EUAA provided information and analysis but did not select the countries. The question remains important to us, given that our commissariat general on refugees and stateless persons made a different judgement on certain countries.

Many thanks in advance for the follow up.

PUBLIC

BULGARIA

SCO Proposal, doc. 11147/25

PUBLIC

Link between article 62(1) and the EU list of safe countries of origin

Bulgaria supports the retention of the current paragraph 1of Article 62 of the Asylum Procedure Regulation.

The proposed safe countries of origin

We agree that the possible inclusion of additional third countries could complicate negotiations between the co-legislators, and therefore such a discussion should not be opened at this stage. However, if the discussion is nevertheless initiated, we would be open to considering the possible inclusion of Algeria.

On the questions regarding the designation of EU candidate countries Bulgaria prefers more simplified approach for identifying candidate countries but we are flexible.

Regarding the notification procedure

Taking into account the explanations given by the Commission and the CLS we are still analyzing the issue.

Regarding Article 64

We do not consider it necessary for Member States to adapt their national lists if they do not contradict the EU list. We prefer to retain the current wording of Article 64(1), which provides Member States with the necessary flexibility in maintaining national lists of safe countries of origin and safe third countries.

CZECH REPUBLIC

Proposal for a regulation as regards the establishment of a list of safe countries of origin at Union level – Discussion paper: outstanding issues and way forward

- CZ supports the retention of the current paragraph 1 of Article 62 APR.
- CZ isn't in favour of the inclusion of other third countries to the common list of safe countries of origin nowadays. Nevertheless, CZ is of the opinion that the possibility of inclusion of the other third countries to the Union list of safe countries of origin should stay open for the near future.
- CZ can support the current structure of the text where EU candidate countries are designated separately as a separate category. CZ can also support the proposed exceptions for candidate countries in Article 62/1/a)-c) APR.
- CZ supports the existence of a notification procedure regarding the exceptions for candidate countries. In case there will be no support for any kind of notification procedure, we would prefer to include the candidate countries explicitly in the Annex. CZ is of the opinion that notification procedure at the Union level may contribute to the harmonisation of implementation of the safe countries of origin concept among Member States.
- CZ also supports the Presidency proposal in Article 64 APR regarding the relation between national and Union lists of safe countries of origin.

PUBLIC

FINLAND

I. LINK BETWEEN ARTICLE 62(1) AND THE EU LIST OF SAFE COUNTRIES OF ORIGIN

Our preliminary view is that the listing of safe countries on the union level ought to have the same requirements than on national levels. If the Commission sees this would influence the application of the list, we would like to discuss the reasoning for that.

II. THE PROPOSED SAFE COUNTRIES OF ORIGIN

We support designating the EU candidate countries and the countries on the proposed list as safe countries of origin. Discussions on additional countries is not necessary at this stage.

The simple and effective application of the EU list is essential. In terms of the EU candidate countries, we are still assessing different options and see the need for further discussion. We can understand the argument on having a separate process for the candidate countries in order to use the concept efficiently, but going forward with this option would require clarification of the exceptions – especially regarding Article 62(1)(a).

We would also like to ask how the Presidency is planning to move forward with the proposed front-loading of some of the provisions included in the Commission's proposal.

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 remercie la Présidence pour l'élaboration de ce document de travail qui cadre les discussions sur les différents aspects de la proposition de la Commission.**

Sur le lien entre l'article 62(1) et la liste européenne des pays d'origine sûrs :

- Les États membres peuvent-ils souscrire aux considérations de la présidence et soutenir le maintien de l'actuel paragraphe 1 de l'article 62 ?

- **A l'instar de la Présidence, la France n'est pas favorable à la suppression du paragraphe 1 de l'article 62, proposée par la Commission, qui aboutirait à créer un concept hybride de pays d'origine sûr où les conditions requises pour qu'un pays soit inscrit sur la liste européenne des pays d'origine sûrs pourraient différer de celles applicables aux listes nationales.**
- **Une telle divergence contredirait l'esprit du règlement APR et affaiblirait la cohérence entre les articles 61 et 62, qui visent à garantir des critères équivalents pour toute désignation d'un pays d'origine sûr, alors qu'il est essentiel de préserver un cadre juridique clair.**
- **Par conséquent, la France soutient la rédaction proposée dans le compromis de la Présidence danoise.**

Sur l'inclusion éventuelle de nouveaux pays tiers sur la liste de l'UE :

- Les États membres conviennent-ils que les pays sûrs proposés représentent déjà une amélioration significative et qu'il n'est pas nécessaire, à ce stade, de poursuivre les discussions sur d'autres candidats?

- **La France n'a pas de réserve sur la liste actuelle et ne juge pas nécessaire à ce stade de poursuivre les discussions en cours sur l'ajout de pays tiers sur la liste européenne des pays d'origine sûrs, au risque de compromettre toute action de mise en œuvre anticipée.**

PUBLIC

Sur la désignation des pays candidats à l'UE :

- Les États membres soutiennent-ils la structure actuelle du texte, avec les pays candidats à l'UE désignés séparément en tant que catégorie ? Ou pensez-vous plutôt qu'il faudrait adopter une approche plus simple en listant tous les pays tiers individuellement dans l'annexe ?

- Si les États membres préfèrent l'approche de la Commission, pouvez-vous soutenir l'inclusion de tout ou partie des exceptions proposées par la Commission à l'article 62, paragraphe 1, points a) à c) ?

- **La France partage le constat de la Présidence danoise selon lequel ne faut pas créer un double régime, qui se révèlerait plus exigeant pour les pays candidats, pourtant considérés comme « plus sûrs » que les autres pays tiers listés en annexe.**
- **La France est en faveur d'un régime unique pour tous les pays tiers désignés comme pays d'origine sûr et estime donc nécessaire de lister individuellement les pays candidats considérés comme pays d'origine sûr à l'annexe. Les procédures de suspension et de retrait prévues à l'article 63 d'APR leur seront alors applicables.**
- **Par conséquence, la France propose de modifier l'article 61 du compromis de la présidence polonaise comme suit :**

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

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

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

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

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

PUBLIC

1b. The countries that have been granted the status of candidate states for accession to the Union are **presumed to be** ~~**also designated as**~~ safe countries of origin at Union level **and listed in Annex II**, unless one of or more of the following circumstances apply to them:

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

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

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

- **Il est en effet essentiel que les critères appliqués par la Commission pour inclure un Etat candidat dans la liste européenne des pays d'origine sûrs et que les procédures de suspension et de retrait soient clairement définis, transparents et non équivoques afin qu'il n'y ait pas d'incertitudes sur les pays composant la liste européenne des pays d'origine sûrs. La proposition de la France va dans le sens d'une plus grande lisibilité.**

- Quelles modifications, le cas échéant, les États membres souhaiteraient-ils voir apporter à ces exceptions ? Par exemple, seriez-vous favorables à l'ajout d'une référence aux données d'EUAA au point (b), en complément des données Eurostat, afin de mieux prendre en compte les fluctuations des taux de reconnaissance tout au long de l'année ?

- **La France n'est pas favorable à l'ajout de la référence aux données EUAA au point c) car il s'agit de données brutes et provisoires, ce qui risque de complexifier l'analyse réalisée au niveau de l'Union et peut générer de l'incertitude sur le statut de certains Etats tiers.**
- **Par ailleurs, l'utilisation des données annuelles garantit la prévisibilité et la sécurité juridique tant pour les administrations que pour les demandeurs de protection internationale.**

PUBLIC

- **La France rappelle qu'en cas de variation importante du taux de protection, ce changement sera pris en compte pour l'application de la procédure de suspension et de retrait prévue par l'article 63, qui est applicable en cas de changements importants dans la situation d'un pays tiers.**

PUBLIC

Sur la mise en place d'une procédure de notification :

- Les États membres soutiennent-ils une procédure de notification et, si oui, quelle serait l'option privilégiée par les délégations ? :

- **La procédure proposée par la Présidence polonaise (éventuellement modifiée)**
- **Le recours à des actes d'exécution, soit pour toutes les circonstances, soit uniquement pour le point (a), comme proposé dans le présent document de travail**
- **Aucune procédure, la procédure prévue par l'article 63 devant être la seule voie pour suspendre la désignation de pays tiers, et pouvant être activée lorsque les circonstances proposées s'appliquent**

- Alternativement, les États membres ont-ils des suggestions pour un autre mécanisme ?

- **Ces questions se posent dans l'hypothèse où un mécanisme différencié serait créé pour les pays candidats. L'article 62 paragraphe 4 prévoit déjà un mécanisme de suspension unique applicable à tous les pays tiers, qu'ils soient candidats ou non, par l'adoption d'actes délégués, ce qui présente l'avantage de la clarté.**
- **Seulement dans l'hypothèse d'un régime différencié, auquel la France n'est pas favorable, la France privilégierait la procédure de notification proposée par la Présidence polonaise, qui prévoit une validation par le Conseil, et sous réserve que :**
  - **le mécanisme de notification soit précisé ;**
  - **et que le Conseil approuve à la majorité qualifiée.**

Sur les autres sujets :

Les États membres conviennent-ils que des dispositions supplémentaires devraient être incluses dans la proposition afin de répondre aux préoccupations des États membres à cet égard ? Dans l'affirmative, pensez-vous que la proposition susmentionnée constitue un point de départ approprié pour la poursuite des discussions ?

- **La France est favorable à l'ajout du paragraphe (1a) qui clarifie les modalités d'articulation entre la liste européenne et les listes nationales de pays d'origine sûrs.**

- **La France propose toutefois que les termes « *within a period of [xx months/year(s)]* », soient remplacés par « *as soon as possible according to national procedures* », dès lors que l'inscription d'un même pays sur les deux listes n'a pas d'incidence sur la procédure, la liste européenne primant sur les listes nationales. Les procédures nationales des Etats membres peuvent être contraignantes en termes de délais.**

- **Dans un souci de clarté, et même si ce point a été confirmé à de nombreuses reprises par la Commission, la France estime nécessaire de mentionner expressément qu'un Etat membre ne pourra pas continuer à appliquer, au niveau national, une exception catégorielle ou géographique pour un POS si ce dernier figure dans la liste européenne sans une telle exception**.

PUBLIC

GERMANY

I. LINK BETWEEN ARTICLE 62(1) AND THE EU LIST OF SAFE COUNTRIES OF ORIGIN

Can Member States agree with the considerations of the Presidency and support the retention of the current paragraph 1 of Article 62 of the Asylum Procedure Regulation?

- We agree with the Presidency that Article 62 (1) in its current version should be retained. We are somewhat surprised by the Commission's reasons for proposing to delete Article 62 (1) of the Asylum Procedure Regulation. We are not sure which criteria the Commission used for judging the countries listed in Annex II if it did not do so on the basis of Article 61 of the Asylum Procedure Regulation. We agree with the Danish Presidency that the Commission's proposal would, in effect, create a separate concept of safe country of origin. We do not see how this fits into the current Asylum Procedure Regulation. We therefore ask the Commission to explain the consequences of its proposal, also with regard to possible exceptions for certain groups of persons or regions.

II. THE PROPOSED SAFE COUNTRIES OF ORIGIN

The possible inclusion of additional third countries on the EU list:

Do Member States agree that the proposed safe countries already represent a significant improvement and that further discussions on additional candidates are not necessary at this stage?

- We agree with the assessment of the Danish Presidency. We also agree that the Commission's proposal represents a significant improvement, but we are still in the process of examining the proposal, with particular attention to Colombia. The security situation in Colombia needs to be factored into our considerations. We do not see any need to add further countries at this time. It is still possible to designate additional countries at the national level.

Designation of EU candidate countries:

Do Member States support the current structure of the text, with the EU candidate countries designated separately as a category? Or do you rather believe that a more simplified approach should be pursued by designating all of the third countries individually in the Annex?

- We support the Commission's current proposal.

PUBLIC

In case Member States prefer the Commission's approach, can you support the inclusion of all or some of the exceptions proposed by the Commission in Article 62(1), points (a)-(c)?

- We agree with all of the exceptions proposed by the Commission. The exceptions in points (b) and (c) as proposed by the Commission offer the advantage that it is very easy to examine whether the necessary conditions for exceptions are met, which adds to legal certainty.

What modifications, if any, would Member States like to see to those exceptions? For example, would Member States support a reference to EUAA data in point (b), in addition to annual Union-wide average Eurostat data, in order to take into account the fluctuation of recognition rates throughout a calendar year?

With regard to modifying the exceptions, we comment as follows:

- We believe it would be preferable to make the exception in point (a) congruent with Article 15 of the Qualification Regulation (2024/1347).
- With regard to point (c) we prefer to refer to Eurostat data only. By this, it would be consistent with the provisions on applying the accelerated procedure given in Article 42 (1) (j) of the Asylum Procedure Regulation.
- With regard to the exception in point (b), we could imagine creating a closer link to the conditions given in Article 61. But we would have to examine the specific proposal for such a provision.
- We also still see a need to examine whether an additional exception is needed for cases in which negotiations on EU accession are, in effect, paused for a significant length of time.

III. THE NOTIFICATION PROCEDURE

Do Member States support a notification procedure and if so, what would be the delegations' preferred option?

- According to the Commission's current proposal, it is possible to determine, on the basis of clearly established facts, whether the exceptions in points (b) and (c) apply. In our view, notification by the Commission, without the participation of the Council and the European Parliament, would therefore suffice. However, such notification is desirable in order to facilitate the consistent application of the law throughout the Union.

PUBLIC

- It should be possible to determine as quickly and easily as possible whether exceptions requiring interpretation apply, such as the exception in point (a). Our concern is that the procedure for a Council implementing act is complicated and time-consuming. We could also imagine a Commission implementing act in this case. With regard to the exception in point (a), we believe that the previous Polish Presidency's proposal of notification from the Commission would also suffice to ensure harmonised application throughout the Union.

IV. OTHER ISSUES

- We consider the proposal by the Danish Presidency for a new Article 64 (1a) to be a good starting point for further discussion. However, we are sceptical of including a specific timeframe ("within a period of…") in the provision. Instead, we suggest replacing the specific timeframe by a phrase like "as soon as possible in accordance with national procedures" as it was suggested by the French delegation in the AWP. We would also appreciate clarification in which scenario a national designation should be "amended" and not repealed.
- We would also like to recall the questions we have raised in the past, inter alia with regard to the treatment of unaccompanied minors, we would still be grateful if the Commission could confirm our understanding of the interplay between the frontloading proposal in Article 2(2)(b) and the provisions of the Asylum Procedure Directive. In our understanding, an unaccompanied minor who comes from a country of origin with an EU-wide protection rate of 20% or less cannot be placed in the accelerated procedure or border procedure solely on the basis of belonging to this group of persons. Instead, Article 25(6) of the Asylum Procedure Directive remains applicable in this regard. We would appreciate a written answer by the Commission to those questions that have not been answered in the AWP yet.

PUBLIC

GREECE

(doc. 11147/25).

EL has consistently advocated for the establishment of European lists of Safe Countries of Origin and Safe Third Countries, as tools that will facilitate the convergence of implementation of the asylum procedures across the EU.

On the proposed amendments of **art 62** we support retaining the current par.1 of art 62 on the grounds analysed in the course of the AWP and in the discussion paper 11147/25.

EL supports the EU list proposed in the ANNEX II of doc 8042/25 & 9362/25. However, for reasons of clarity and legal certainty we maintain our position to **explicitly list the EU candidates countries in Annex II**. The candidate countries should **automatically** be designated as safe within the meaning of Asylum Procedures Regulation by the mere fact that they received this status, without the provision of further conditions (exceptions a, b and c). Therefore, **we propose deletion of the exceptions**. We support the adoption of the list of safe countries of origin at Union level without exceptions (territorial or group of persons).

On the suspension mechanism we consider that Art. 63 provides the necessary solutions regarding the removal or suspension of a third country from the list of safe countries of origin, if needed.

On Art 64 on STC and SCO at national level we support the addition of par 1a as proposed by the Presidency (**doc 11147/25)**.

PUBLIC

THE NETHERLANDS

Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (9362/25 + ADD 1)

We thank the Presidency for the discussion paper. We think this is very useful and clarifying.

As stated during the AWP, we still have questions about how country information should be weighed when determining whether a country can be designated as a safe country of origin and what criteria should be used to make exceptions for specific parts of the territory of the third country or clearly identifiable categories of persons. For this reason, we have outlined the current Dutch policy towards the countries on the Commission's proposed European list in our previous written comments, in order to be able to get some clarification.

I. LINK BETWEEN ARTICLE 62(1) AND THE EU LIST OF SAFE COUNTRIES OF ORIGIN

From the discussion document, we understand that the text of Article 61(1) of the APR is stricter than that of Annex I of the APD and that the Commission chose to leave out the referral to Article 61(1), because the mentioned countries cannot be considered to have no persecution at all.

NL does not consider it desirable to have different assessment criteria for the Member States and the EU legislature. After all, the matter is essentially the same. If the text of Article 61(1) hinders the application of the concept, we think it would be better to return to the text in Annex I of APD.

Therefore, we propose:

Article 61

The concept of safe country of origin

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

With this included in Article 61(1), NL supports the retention of the current paragraph 1 of Article 62 APR.

II. THE PROPOSED SAFE COUNTRIES OF ORIGIN

NL thinks that further discussions on additional candidates would probably delay the progress of the proposal. We agree with the Presidency that at this stage, this is not desirable.

NL can support the idea that candidate Member States are, in principle, eligible to be designated as safe countries of origin. These countries have committed to work on meeting the Copenhagen criteria by the time of their accession to the EU. From candidate member states we can expect the EU to have good migration cooperation, although of course in practice there are differences between the level of cooperation with these countries that need to be taken into account.

When it comes to the content of the exceptions, NL still has clarifying questions.

Regarding (a), we wish to maintain the text proposed by the Commission. This contains a clear reference to Article 15(c) of the Qualification Regulation. An amended text could lead to confusion regarding interpretation.

Regarding (b), NL supports the amendments proposed by the Polish Presidency. We agree that the measures must relate to elements relevant to the criteria for designating a safe country of origin. NL prefers a narrow and clearly defined interpretation of sanctions needed to invoke the exception, notably far-reaching sanctions against governments or public authorities. We should therefore have a discussion about the type of sanctions understood under this exception.

In point (c), we are not in favour of adding a reference to EUAA data. This concerns the same target group as in Article 42(1)(f), namely countries with a compliance rate of 20% or less. We do not want to create a discrepancy with the assessment under that article.

NL reiterates its position that during the EU accession process it is conceivable that the human rights situation in a candidate country will change and/or that the progress required lag behind. We think the exceptions in Article 62(1)(a) to (c) are not sufficiently tailored to this, since they do not pertain any changes in the legal framework, rule of law, human rights and other criteria for the assessment of designating a country as a safe country of origin.

For this reason, we support the proposal by Germany to examine if an additional exception (d) is needed for these cases.

PUBLIC

III. THE NOTIFICATION PROCEDURE

Following the discussion in the AWP, we understand that an implementation act would not be the most suitable instrument for notifying purposes for all exceptions. However, NL agrees with the Danish presidency that, with respect to point (a), a finding that there is a serious and individual threat to civilians' life or person in a third country due to indiscriminate violence in a situation of armed conflict should be established by a Council implementing decision, acting on the basis of a Commission proposal. As the presidency already pointed out, this has implications for the Member States' external relations and is a highly political decision.

As to point b and c, NL agrees with the Presidency that a different procedure could be used. NL proposes a comitology e**xamination** procedure, to ensure a fast procedure but maintaining some involvement of the member states, as points b and c could potentially involve elements that have political implications.

NL would also like to add that these exceptions should be limited in time. Every 6 months/year it should be reevaluated if candidate-countries still comply with the grounds for exceptions. If not, they are considered safe and return on the list.

As to point (c), it might be useful to publish a list of the countries with a recognition rate of 20% or less, to make sure all Member States are informed.

IV. OTHER ISSUES

We think a provision as proposed by the Presidency might be very helpful.

PUBLIC

ROMANIA

Presidency discussion paper regarding Commission's Proposal for a Regulation of the 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

I. LINK BETWEEN ARTICLE 62(1) AND THE EU LIST OF SAFE COUNTRIES OF ORIGIN

Can Member States agree with the considerations of the Presidency and support the retention of the current paragraph 1 of Article 62 of the Asylum Procedure Regulation?

We can agree with the points raised by the PRESIDENCY.

II. THE PROPOSED SAFE COUNTRIES OF ORIGIN

The possible inclusion of additional third countries on the EU list

Do Member States agree that the proposed safe countries already represent a significant improvement and that further discussions on additional candidates are not necessary at this stage?

Yes, in previous mandates on the subject we have indicated a preference for EU-lists.

Designation of EU candidate countries

Do Member States support the current structure of the text, with the EU candidate countries designated separately as a category? Or do you rather believe that a more simplified approach should be pursued by designating all of the third countries individually in the Annex?

We can agree to keep the provisions on EU candidate countries separate, i.e. not to include them on the common list, taking into account existing agreements and the positions of RO previously expressed on this subject, on the conclusion of bilateral agreements between the EU and these countries.

In case Member States prefer the Commission's approach, can you support the inclusion of all or some of the exceptions proposed by the Commission in Article 62(1), points (a)-(c)?

We are not taking a position because we prefer the solution where candidate countries are established separately.

What modifications, if any, would Member States like to see to those exceptions? For example, would Member States support a reference to EUAA data in point (b), in addition to annual Union-wide average Eurostat data, in order to take into account, the fluctuation of recognition rates throughout a calendar year?

PUBLIC

We are not taking a position because we prefer the solution where candidate countries are established separately.

III. THE NOTIFICATION PROCEDURE

Do Member States support a notification procedure and if so, what would be the delegations' preferred option?

- The procedure proposed by the Polish Presidency (potentially further modified)
- The use of implementing acts, either for all of the exceptions or solely for point (a), as proposed in the present discussion paper
- No procedure at all, with the understanding that the existing procedure in Article 63 should be the sole avenue for suspending the designation of third countries, which could be activated where the proposed exceptions apply.

We consider it necessary to establish a unitary way of working, so we exclude option 3. We can accept either of the first two options.

Alternatively, do Member States have suggestions for a different mechanism?

N/A

IV. OTHER ISSUES

Do Member States agree that additional provisions should be included in the proposal in order to address the concerns of the Member States in this regard? If so, do you think that the above proposal provides an appropriate starting point for further discussion?

In view of our previous positions on this subject, to establish common EU lists of safe third countries or safe countries of origin, we believe that common lists should take precedence over national ones, so we can agree with the proposal to include these issues, and it is certainly a very good starting point for discussions.

PUBLIC

SLOVAK REPUBLIC

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

I. LINK BETWEEN ARTICLE 62(1) AND THE EU LIST OF SAFE COUNTRIES OF ORIGIN

Can Member States agree with the considerations of the Presidency and support the retention of the current paragraph 1 of Article 62 of the Asylum Procedure Regulation?

SK considers that a third country can be designated as a safe country of origin only if it meets the conditions set out in Article 61 of the APR; we therefore consider Article 62 to be superfluous or duplicative and creating an obvious link. SK understands the PRES's argument in the discussion paper regarding a possible narrower, but also broader, interpretation. In order to reach an early compromise, SK will not insist on the deletion of the relevant paragraph 1 of Article 62.

II. THE PROPOSED SAFE COUNTRIES OF ORIGIN

Do Member States agree that the proposed safe countries already represent a significant improvement and that further discussions on additional candidates are not necessary at this stage?

The proposed safe countries of origin and all candidate countries represent a significant improvement, which is sufficient for SK for the time being in the interests of reaching a swift agreement on the EU list. However, in the future, it will certainly welcome the inclusion of other countries, which would represent an even greater improvement on the current and proposed situation.

Do Member States support the current structure of the text, with the EU candidate countries designated separately as a category? Or do you rather believe that a more simplified approach should be pursued by designating all of the third countries individually in the Annex?

SK believes that, in the interests of transparency and greater legal certainty, it would be useful to explicitly name the candidate countries.

In case Member States prefer the Commission's approach, can you support the inclusion of all or some of the exceptions proposed by the Commission in Article 62(1), points (a)-(c)?

SK prefers to include candidate countries directly on the EU list, which would render the adjustment of exceptions unnecessary. However, we are aware that this approach would entail a lengthy legislative process in the event of changes. The Slovak Republic is therefore willing to take a flexible approach to the exceptions set out in Article 62 of the EC proposal, but only on condition that their assessment is not left to the Member States.

What modifications, if any, would Member States like to see to those exceptions? For example, would

Member States support a reference to EUAA data in point (b), in addition to annual Union-wide average Eurostat data, in order to take into account the fluctuation of recognition rates throughout a calendar year?

SK prefers to use Eurostat data as reference data.

III. THE NOTIFICATION PROCEDURE

Do Member States support a notification procedure and if so, what would be the delegations' preferred option?

– The procedure proposed by the Polish Presidency (potentially further modified)

– The use of implementing acts, either for all of the exceptions or solely for point (a), as proposed in the present discussion paper

– No procedure at all, with the understanding that the existing procedure in Article 63 should be the sole avenue for suspending the designation of third countries, which could be activated where the proposed exceptions apply

Alternatively, do Member States have suggestions for a different mechanism?

SK supports the third option set out in the discussion paper, namely no procedure at all – the existing procedure set out in Article 63 should be the only way to suspend the designation of third countries, which could be activated if the proposed exemptions apply – this should therefore also apply to candidate countries. Alternatively, SK can also support the procedure proposed by the Polish Presidency (under which the Commission would assess whether the circumstances referred to in points (a) to (c) apply, and this assessment would be approved by the Council).

IV. OTHER ISSUES

Article 64

Do Member States agree that additional provisions should be included in the proposal in order to address the concerns of the Member States in this regard? If so, do you think that the above proposal provides an appropriate starting point for further discussion?

On this issue, SK remains flexible and is able to support the proposed amendment as well as discussions on its possible modification.

PUBLIC

SPAIN

- ES is opposed to deleting the first paragraph of Article 62, but supports introducing elements in Article 61 that would increase flexibility so that it would be easier to fit its content with the States proposed at this stage.
- ES defends maintaining the list proposed at this stage of the negotiations, since - although it would have been preferable to include some other States - having a list at European level is already a major step forward.
- ES supports the current structure of the text of the proposal, as well as the designation of a block of countries as "safe countries of origin" because they meet a series of criteria and other countries designated individually after analysing each of their realities and establishing a satisfactory level of safety in accordance with European standards.
- ES is in favour of the exceptions proposed by the COM, considering two different forms of notification: the exceptions in paragraph a), for which it would be in favour of the adoption of an implementing act unifying the application, while for exceptions b) and c), it is in favour of them being referenced to usual sources of information, such as EUROSTAT, being able to refer directly to them for verification.
- Finally, ES has no opinion on the measures to be applied to the national list as it does not have one.

PUBLIC