



2015/0211(COD)

6.4.2016

AMENDMENTS

7 - 11

Draft opinion

Seb Dance

(PE578.737v01-00)

on the proposal for a regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU

Proposal for a regulation

(COM(2015)0452 – C8-0270/2015 – 2015/0211(COD))

Amendment 7
Bogdan Brunon Wenta

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In light of the very sharp increase that has been experienced since 2014 in the number of applications for international protection made in the Union and the resulting unprecedented pressure on Member States' asylum systems the Union acknowledged the need ***to strengthen*** the application of the safe country of origin provisions of Directive 2013/32/EU, as an essential tool to support the swift processing of applications that ***are likely to be unfounded***. In particular, in its conclusions of 25 and 26 June 2015, the European Council referred, in relation to the need to accelerate the treatment of asylum applications, to the intention of the Commission as set out in its Communication on a European Agenda on Migration⁸ to strengthen these provisions, including the possible establishment of an EU common list of safe countries of origin. Moreover, the Justice and Home Affairs Council in its conclusions on safe countries of origin of 20 July 2015 welcomed the intention of the Commission to strengthen the safe countries of origin provisions in Directive 2013/32/EU, including the possible establishment of an EU common list of safe countries of origin.

⁸ COM (2015) 240 final, 13.5.2015.

Amendment

(3) In light of the very sharp increase that has been experienced since 2014 in the number of applications for international protection made in the Union and the resulting unprecedented pressure on Member States' asylum systems the Union acknowledged the need ***for a more coordinated and effective Union action by strengthening*** the application of the safe country of origin provisions of Directive 2013/32/EU, as an essential tool to support the swift processing of applications that ***may be unfounded or based solely on economic grounds***. In particular, in its conclusions of 25 and 26 June 2015, the European Council referred, in relation to the need to accelerate the treatment of asylum applications, to the intention of the Commission as set out in its Communication on a European Agenda on Migration to strengthen these provisions, including the possible establishment of an EU common list of safe countries of origin. Moreover, the Justice and Home Affairs Council in its conclusions on safe countries of origin of 20 July 2015 welcomed the intention of the Commission to strengthen the safe countries of origin provisions in Directive 2013/32/EU, including the possible establishment of an EU common list of safe countries of origin.

⁸ COM (2015) 240 final, 13.5.2015.

Or. en

Amendment 8
Bogdan Brunon Wenta

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) An EU common list of safe countries of origin should be established on the basis of the common criteria set in Directive 2013/32/EU as it will facilitate the use by all Member States of the procedures linked to the application of the safe country of origin concept and, thereby, increase the overall efficiency of their asylum systems as concerns applications for international protection which *are likely to be* unfounded. The establishment of an EU common list will also address some of the existing divergences between Member States' national lists of safe countries of origin, whereby applicants for international protection originating from the same third countries are not always subject to the same procedures in the Member States. While Member States should retain the right to apply or introduce legislation that allows for the national designation of third countries other than those appearing on the EU common list as safe countries of origin, the establishment of such a common list will ensure that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on this list. This will accordingly facilitate convergence in the application of procedures *and thereby also deter secondary movements of applicants for international protection*. In that context, the possibility to take in the future further steps of harmonisation that could lead to the elimination of the need for national lists of safe countries of origin should be considered after a period of three years following the entry into force of this Regulation, on the basis of a report to be presented by the Commission.

Amendment

(4) An EU common list of safe countries of origin should be established on the basis of the common criteria set in Directive 2013/32/EU as it will facilitate the use by all Member States of the procedures linked to the application of the safe country of origin concept and, thereby, increase the overall efficiency of their asylum systems as concerns applications for international protection which *may* be unfounded. The establishment of an EU common list will also address some of the existing divergences between Member States' national lists of safe countries of origin, whereby applicants for international protection originating from the same third countries are not always subject to the same procedures in the Member States. While Member States should retain the right to apply or introduce legislation that allows for the national designation of third countries other than those appearing on the EU common list as safe countries of origin, the establishment of such a common list will ensure that the concept is applied by all Member States in a uniform manner in relation to applicants whose countries of origin are on this list. This will accordingly facilitate convergence in the application of procedures. In that context, the possibility to take in the future further steps of harmonisation that could lead to the elimination of the need for national lists of safe countries of origin should be considered after a period of three years following the entry into force of this Regulation, on the basis of a report to be presented by the Commission.

Amendment 9**Bogdan Brunon Wenta****Proposal for a regulation****Recital 5***Text proposed by the Commission*

(5) The provisions of Directive 2013/32/EU related to the application of the safe country of origin concept should be applicable in relation to third countries that are on the EU common list established by this Regulation. This means, in particular, that the circumstance that a third country is on the EU common list of safe countries of origin cannot ***establish an*** absolute guarantee of safety for nationals of that country ***and does*** not dispense therefore with the ***need*** to conduct an appropriate individual examination of the application for international protection. In addition, it should be recalled that, where ***an applicant shows that*** there are serious reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

Amendment

(5) The provisions of Directive 2013/32/EU related to the application of the safe country of origin concept should be applicable in relation to third countries that are on the EU common list established by this Regulation. This means, in particular, that the circumstance that a third country is on the EU common list of safe countries of origin cannot ***constitute an exclusive criterion nor establish a systematic and*** absolute guarantee of safety for nationals of that country, ***and should*** not dispense therefore with the ***national authorities' obligation*** to conduct an appropriate ***and thorough*** individual examination of the application for international protection. In addition, it should be recalled that, where, ***in the light of the applicant's individual situation,*** there are serious reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

Or. en

Amendment 10**Heidi Hautala****Proposal for a regulation****Recital 5**

(5) The provisions of Directive 2013/32/EU related to the application of the safe country of origin concept should be applicable in relation to third countries that are on the EU common list established by this Regulation. This means, in particular, that the circumstance that a third country is on the EU common list of safe countries of origin cannot establish an absolute guarantee of safety for nationals of that country and does not dispense therefore with the need to conduct an appropriate individual examination of the application for international protection. In addition, it should be recalled that, where an applicant ***shows*** that there are serious reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

(5) The provisions of Directive 2013/32/EU related to the application of the safe country of origin concept should be applicable in relation to third countries that are on the EU common list established by this Regulation. This means, in particular, that the circumstance that a third country is on the EU common list of safe countries of origin cannot establish an absolute guarantee of safety for nationals of that country and does not dispense therefore with the need to conduct an appropriate individual examination of the application for international protection. In addition, it should be recalled that, where an applicant ***expresses*** that there are serious reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her. ***Member States should be aware that for some minority groups such as lesbian, gay, bisexual, transgender and intersex persons (LGBTI), claiming to belong to this minority as part of the asylum process can in itself be enough to put these individuals at risk in their country of origin. Therefore, there should be no burden of proof on applicants to demonstrate or give evidence that they belong to a vulnerable or minority group, especially where such burden of proof violates a person's dignity. The right of applicants to an effective remedy in the case of a negative decision should be guaranteed.***

Or. en

Amendment 11
Bogdan Brunon Wenta

Proposal for a regulation
Recital 6

(6) The Commission should regularly review the situation in third countries that are on the EU common list of safe countries of origin. In case of sudden change for the worse in the situation of a third country on the EU common list, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the presence of this third country from the EU common list for a period of one year where it considers, on the basis of a substantiated assessment, that the conditions set by Directive 2013/32/EU for regarding a third country as safe country of origin are no longer met. For the purpose of this substantiated assessment, the Commission should take into consideration a range of sources of information at its disposal including in particular, its Annual Progress Reports for third countries designated as candidate countries by the European Council, regular reports from the European External Action Service (EEAS) and the information from Member States, the European Asylum Support Office (EASO), the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations. The Commission should be able to extend the suspension of the presence of a third country from the EU common list for a period of maximum one year, where it has proposed an amendment to this Regulation in order to remove this third country from the EU common list of safe countries of origin. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and

(6) The Commission should regularly review the situation in third countries that are on the EU common list of safe countries of origin. In case of sudden change for the worse in the situation of a third country on the EU common list, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of suspending the presence of this third country from the EU common list for a period of one year where it considers, on the basis of a substantiated assessment, that the conditions set by Directive 2013/32/EU for regarding a third country as safe country of origin are no longer met. For the purpose of this substantiated assessment, the Commission should take into consideration a range of sources of information at its disposal including in particular, its Annual Progress Reports for third countries designated as candidate countries by the European Council, regular reports from the European External Action Service (EEAS) and the information from Member States, the European Asylum Support Office (EASO), the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations. The Commission should be able to extend the suspension of the presence of a third country from the EU common list for a period of maximum one year, where it has proposed an amendment to this Regulation in order to remove this third country from the EU common list of safe countries of origin. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and

to the Council.

to the Council. *In parallel, a continuous dialogue between the Union on one side and current and potential safe countries of origin on the other side should take place to guarantee the swift implementation of readmission agreements and return policies.*

Or. en