



2015/0211(COD)

17.5.2016

AMENDMENTS

30 - 124

Draft report
Sylvie Guillaume
(PE576.958v01-00)

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 30

Ignazio Corrao, Laura Ferrara, Laura Agea, Fabio Massimo Castaldo

Proposal for a regulation

—

Proposal for a rejection

- ***The European Parliament rejects the Commission proposal.***

Or. en

Justification

The current proposal should be rejected. A list of safe countries contradicts core principles of international law acknowledged by the Convention relating to the Status of Refugees, and namely the right to an individual analysis of asylum claims, since it creates bias in the examination. Instead, in order to reduce backlogs in the asylum system, a list of unsafe countries, whose nationals are presumed to need international protection, shall be developed

Amendment 31

Ana Gomes

Proposal for a regulation

—

Proposal for a rejection

- ***The European Parliament rejects the Commission proposal.***

Or. en

Justification

A list of safe countries contradicts core principles of international law acknowledged by the Convention relating to the Status of Refugees, and namely the right to an individual analysis of asylum claims, since it creates bias in the examination. Instead, in order to reduce backlogs in the asylum system, a list of unsafe countries, whose nationals are presumed to need international protection, shall be developed.

Amendment 32
Marine Le Pen, Gilles Lebreton

Proposal for a regulation

—

Proposal for a rejection

- *The European Parliament rejects the Commission proposal.*

Or. fr

Amendment 33
Martina Anderson, Barbara Spinelli, Marina Albiol Guzmán, Marie-Christine Vergiat, Cornelia Ernst

Proposal for a regulation

—

Proposal for a rejection

- *The European Parliament rejects the Commission proposal.*

Or. en

Amendment 34
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation

—

Proposal for a rejection

- *The European Parliament rejects the Commission proposal.*

Or. en

Amendment 35
Jean Lambert

on behalf of the Verts/ALE Group

Draft legislative resolution

Paragraph 2

Draft legislative resolution

2. Calls on the Commission to ***refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;***

Amendment

2. Calls on the Commission to ***withdraw*** its proposal;

Or. en

Amendment 36

Frank Engel

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***

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 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.

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.

⁸ COM(2015) 240 final, 13.5.2015.

Or. fr

Amendment 37
Martina Anderson

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

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 to strengthen the application of the safe country of origin provisions of Directive 2013/32/EU. 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.

list of safe countries of origin.

⁸ COM (2015) 240 final, 13.5.2015.

⁸ COM (2015) 240 final, 13.5.2015.

Or. en

Amendment 38

Jean Lambert

on behalf of the Verts/ALE Group

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.

Amendment

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Amendment 39

Jussi Halla-aho, Timothy Kirkhope, Daniel Dalton

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 very low rate of returns of those individuals who do not qualify for international protection**, 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 40

József Nagy

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In light of the increasing pressure on the asylum systems of the Member States, the establishment of a common list of safe countries of origin or transit should be able to discourage irregular migrants to seek international protection in EU Member States. This common list will relieve asylum systems and facilitate effective returns.

Or. en

Amendment 41

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 4

Text proposed 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 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

(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. ***This common list of safe countries of origin should make it easier for countries facing high migratory to process asylum requests. The accelerated processing of asylum applications from***

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.

nationals of safe countries of origin will make it easier and faster for Member States to focus on giving international protection to those who need it most. 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 *when the EU list is comprehensive enough to replace the national lists*, on the basis of a report to be presented by the Commission.

Or. fr

Amendment 42

Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

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

Amendment

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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.*

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 *temporarily* 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, *three years after this regulation enters into force, the Member States should eliminate their* national lists of safe countries of origin.

Or. fr

Amendment 43

G rard Deprez, Louis Michel, Cecilia Wikstr m, Maite Pagazaurtund a Ruiz

Proposal for a regulation

Recital 4

(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.

(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, ***which runs counter to the objective of a common EU asylum system and could cause secondary movements of asylum seekers***. 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.

Or. fr

Amendment 44

Jean Lambert

on behalf of the Verts/ALE Group

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

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 **would** 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. The establishment of an EU common list **is intended to** 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 **temporarily** 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 **would** 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 **would** accordingly facilitate convergence in the application of procedures. In that context, further steps of harmonisation **would** lead to the elimination of the need for national lists of safe countries of origin after a period of **five** years following the entry into force of this Regulation, on the basis of a report to be presented by the Commission. **The Commission shall continually assess and report its findings to the European Parliament and to the Council regarding**

following the entry into force of this Regulation, on the basis of a report to be presented by the Commission.

the application of this Regulation.

Or. en

Amendment 45

Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The establishment of an EU common list of safe countries of origin and the elimination of national lists of safe countries of origin can only lead to the full convergence of asylum procedures in the EU if the procedural stages and deadlines are harmonised, in particular in the case of accelerated procedures. The possibility to take additional harmonisation measures in connection with Directive 2013/32/UE should be envisaged.

Or. fr

Amendment 46

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The premise of safe countries of origin should only be applied after an asylum application has been individually examined and the applicant has been afforded an adequate personal interview, has the right to legal assistance and translation upheld, has full access to all resources and services offered by the

relevant asylum process and has the right to an appeal respected.

Or. en

Amendment 47

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Member States should make sure that the national lists of safe countries of origin and the EU common list are consistent with one another. A country withdrawn or suspended from the EU common list should not be considered a safe country of origin at national level.

Or. fr

Amendment 48

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) In view of the harmonisation of national lists of safe countries of origin, the Commission should carry out regular studies on migration flows in the Member States, the admissibility of international protection requests and the effectiveness of returns to make sure that the EU common list of safe countries of origin is complete and effective. The Commission should then draw up a proposal to enlarge the common list of safe countries of origin, on the basis of a range of information sources at its disposal, in particular EEAS reports and information

provided by the Member States, EASO, the UNHCR, the Council of Europe and other relevant international organisations, if the studies indicate that this is appropriate.

Or. fr

Amendment 49
Martina Anderson, Barbara Spinelli

Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The application of the concept of a safe country of origin should only be applied in the context of full adherence to the principle of non-refoulement. Applicants for asylum should have full access to the normal asylum procedure and if unsuccessful will continue to have the right to an appeal, irrespective of their nationality, whilst availing of the full range of services and resources available to any asylum applicant.

Or. en

Amendment 50
Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) The Member States should be able to send the Commission proposals for countries to be added to the common list of safe countries of origin. The Commission should examine those proposals within six months of their submission, on the basis of a range of

information sources at its disposal, in particular EEAS reports and information provided by the Member States, EASO, the UNHCR, the Council of Europe and other relevant international organisations. If it decides that a third country can be added to the list, the Commission should draw up a proposal to enlarge the EU common list of safe countries of origin.

Or. fr

Amendment 51

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 4 d (new)

Text proposed by the Commission

Amendment

(4d) The Commission must ensure that, for every third country on the EU common list of safe countries of origin, there is an efficient EU return policy with readmission agreements that must be complied with fully for EU aid to be sent to those countries.

Or. fr

Amendment 52

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 4 e (new)

Text proposed by the Commission

Amendment

(4e) When negotiating readmission agreements between the EU and a third country, the Commission should consider adding that country to the common list of safe countries of origin. The Commission should then draw up a reasoned

assessment of that country's compliance with the conditions set out under Annex I of Directive 2013/32/EU.

Or. fr

Amendment 53

Martina Anderson, Barbara Spinelli

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 **Regulation creating an** EU common list of safe countries cannot establish an absolute guarantee of safety for nationals of **a third** country and **in no circumstances absolves Member States from their obligations** to conduct an appropriate individual examination of the application for international protection **in accordance with the procedural safeguards laid down in Directive 2013/32/EU during which applicants will be able to access the full range of services and resources available to all in the asylum procedure, including but not limited to, legal assistance, translation, safe accommodation and access to an appeal process.**

All applications should be **considered on the applicants circumstances in the third country and** where an applicant shows that there are serious reasons **on grounds of gender, race, religion, sexual orientation, gender identity, nationality, membership of a particular social group or political opinion**, 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. *Due care must also be given to applicants from minority groups where burden of proof can violate their dignity or put them increased risk of danger and that all applicants should have the right to an effective remedy in the case of a negative decision as well as lawfully remain on the territory pending such an appeal. In addition, procedures for returning applicants who do not meet the criteria must not violate the principle of non-refoulement.*

Or. en

Amendment 54

Gérard Deprez, Louis Michel, Cecilia Wikström

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 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, ***including a personal interview as required by Article 14 of Directive 2013/32/EU.*** 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. ***The same rule should automatically***

apply to third-country nationals who belong to a national, ethnic, religious or linguistic minority in that country. In line with Article 46 of Directive 2013/32/EU, Member States must guarantee all applicants the right to an effective remedy before a court or tribunal if their request for international protection is refused. They must also be given permission to remain in the territory until the time limit to exercise their right to an effective remedy has expired, and, if they have exercised that right within the time limit, while they await the outcome of the remedy.

Or. fr

Amendment 55
Cécile Kashetu Kyenge

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

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 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. ***All applications*** should be ***considered on the applicants circumstances in the third country and*** where an applicant shows that there are serious reasons ***on grounds of race, ethnicity, religion or belief, sexual orientation, nationality, membership of a particular social group or political and***

her.

social opinion or activities, 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. ***Due care must also be given to applicants from minority groups where burden of proof can violate their dignity or put them increased risk of danger and that all applicants have the right to an effective remedy in the case of a negative decision as well as lawfully remain on the territory pending such an appeal. In addition, procedures for returning asylum-seekers who do not meet the criteria must not violate the principle of non-refoulement.***

Or. en

Amendment 56

Jean Lambert

on behalf of the Verts/ALE Group

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

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 establish an absolute guarantee of safety for nationals of that country and does not dispense therefore with the ***obligation of Member States*** to conduct an appropriate individual examination of the application for international protection, ***in line with the procedural safeguards laid down in Directive 2013/32/EU, and including a right of appeal with a suspensive effect on removal orders, and compliance with the***

no longer be considered relevant for him or her.

principle of non-refoulement. In line with the standards referring to the definition of refugee set out in Article 1(2) of the 1951 Geneva Convention Relating to the Status of Refugees and in line with Article 10 of the Qualifications Directive, the designation of a country as safe should take into account the situation of vulnerable minority groups within the country of origin. 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.

Or. en

Amendment 57

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The EU common list of safe countries of origin does not have the aim of reducing the number of asylum seekers from countries which combine a large number of applications with a low recognition rate. Inclusion on this list should be based solely on an assessment of whether a country's situation conforms to the definition in Directive 2013/32/EU.

Or. en

Amendment 58

Martina Anderson

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) *The EU common list of safe countries of origin does not have the aim of reducing the number of asylum seekers from countries which combine a large number of applications with a low recognition rate. Inclusion on this list should be based solely on an assessment of whether a country's situation conforms to the definition in Directive 2013/32/EU.*

Or. en

Amendment 59

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) *The provisions of Directive 2013/33/EU laying down standards for the reception of applicants for international protection should be applicable in relation to third country nationals originating from countries included in the EU common list established by this Regulation, while their asylum application is pending.*

Or. en

Amendment 60

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) The Commission should regularly

(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.

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 *or less* 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. ***If, during the suspension period, it becomes clear from the information available that the situation in the third country has stabilised, the Commission should be free to decide to lift the suspension of that country from the common list of safe countries of origin. The Council and Parliament must be kept informed of that decision.*** 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.

Or. fr

Amendment 61
Cécile Kashetu Kyenge

Proposal for a regulation
Recital 6

Text proposed by the Commission

(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

Amendment

(6) The Commission should **continually** 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 **or systematic breach to the rule of law or human rights violations including discrimination in** 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

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.

Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations, ***and national or international non-governmental 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 ***with 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, and national or international non-governmental organisations*** 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.

Or. en

Amendment 62

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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***

Amendment

(6) The Commission should ***continually*** 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 ***or instability***

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.

in the *democratic system and non-compliance with international human rights treaties in* 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, other relevant international organisations *and national or international non-governmental 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. *Should a country be suspended from the EU common list of safe countries of origin for a continuous period of two years, it shall automatically be removed from the list.* 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

Amendment 63

Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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

Amendment

(6) The Commission should regularly review the situation in third countries that are on the EU common list of safe countries of origin. ***If a*** sudden change for the worse in the situation of a third country on the EU common list ***could lead to that country's non-compliance with the conditions for the designation of a country as a safe country of origin set out under Article 36 of Directive 2013/32/EU***, 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.

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.

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.

Or. fr

Amendment 64

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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

Amendment

(6) The Commission, ***in direct consultation with the Parliament, the Council, Member States and relevant organisations***, should ***continually*** 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

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.

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.

Or. en

Amendment 65

Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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

Amendment

(6) The Commission should regularly review the situation in third countries ***in order to provide for both removing and adding third countries to*** 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

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.

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 **six months** 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 information **from the** 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 **FRONTEX agency, the** United Nations High Commissioner for Refugees (UNHCR), the Council of Europe. 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.

Or. en

Amendment 66
Frank Engel

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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

Amendment

(6) The Commission *shall* 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 *shall* 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 *shall* take into consideration *all* 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.

and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. fr

Amendment 67
Martina Anderson

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to meet the need to consult a wide range of sources of information and to access expert advice, an advisory body on safe countries of origin should be established and assist the Commission in its task of monitoring the EU common list of safe countries of origin.

Or. en

Amendment 68
Jeroen Lenaers

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Whereas third countries that have been granted candidate membership status for accession to the European Union should be expected to fulfil the conditions that are required to be considered a safe country of origin.

Or. en

Amendment 69

Frank Engel

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) If a third country loses its status as a safe country of origin on the common list, it must also lose its status as a safe country of origin on all national lists.

Or. fr

Justification

The change should also be noted on national lists if there is to be any degree of harmonisation at EU level.

Amendment 70

Martina Anderson

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The advisory body on safe countries shall also assist Member States by monitoring and recommending States that, following Articles [xx], [xx] and ANNEX [...] of Directive 2013/32/EU should be considered unsafe countries of origin by Member States.

Or. en

Amendment 71

József Nagy

Proposal for a regulation

Recital 7 a (new)

(7a) The EU should provide financial and effective technical assistance to countries of transit of irregular migrants. The migration crisis affects not only the EU itself, although the EU is the most desired destination place for economic migrants. Other European countries are however also under severe pressure. Strengthening our asylum system should go alongside to responsible burden sharing with these countries of origins, especially with the countries of the Western Balkans and Turkey.

Or. en

Amendment 72

Marine Le Pen, Gilles Lebreton

Proposal for a regulation

Recital 16

(16) As regards Turkey, the legal basis for protection against persecution and mistreatment is adequately provided by substantive and procedural human rights and anti-discrimination legislation, including membership of all major international human rights treaties. In 2014, the European Court of Human Rights found violations in 94 out of 2899 applications. There are no indications of any incidents of refoulement of its own citizens. In 2014, Member States considered that 23,1 % (310) of asylum applications of citizens of Turkey were well-founded. ***One Member State has designated Turkey as a safe country of origin. Turkey has been designated as a candidate country by the European Council and negotiations have been opened. At that time the assessment was***

(16) As regards Turkey, the legal basis for protection against persecution and mistreatment is, ***in theory***, adequately provided by substantive and procedural human rights and anti-discrimination legislation, including membership of all major international human rights treaties. In 2014, the European Court of Human Rights found violations in 94 out of 2899 applications. There are no indications of any incidents of refoulement of its own citizens. In 2014, Member States considered that 23,1 % (310) of asylum applications of citizens of Turkey were well-founded. ***To date***, Turkey ***has not*** fulfilled the criteria established by the Copenhagen European Council of 21-22 June 1993 relating to stability of institutions guaranteeing democracy, the rule of law, human rights and respect for

that Turkey fulfilled the criteria established by the Copenhagen European Council of 21-22 June 1993 relating to stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities *and Turkey will have to continue to fulfil these criteria for becoming a member in line with the recommendations provided in the Annual Progress Report.*

and protection of minorities; *negotiations on Turkey's accession to the EU should therefore be suspended.*

Or. fr

Amendment 73
József Nagy

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) While Turkey, as an EU candidate country is party of the major human rights instruments, alleged violations of the right to freedom from torture and ill-treatment, or inhuman and degrading treatment occur disturbingly often. Particular attention to this factor should be paid during the establishment and then the maintenance of the EU common list of safe countries of origin.

Or. en

Amendment 74
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) This Regulation respects the fundamental rights and observes the

(18) This Regulation respects the fundamental rights and observes the

principles recognized by the Charter.

principles recognized by the Charter. ***This Regulation shall apply without prejudice to the right to an effective remedy and to a fair trial provided for in Article 47 of the Charter and to the right to asylum provided for in Article 18 of the Charter.***

Or. en

Amendment 75

Frank Engel

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes an EU common list of third countries which shall be regarded as safe countries of origin within the meaning of Directive 2013/32/EU.

Amendment

1. This Regulation establishes an EU common list of third countries which shall be regarded as safe countries of origin within the meaning of Directive 2013/32/EU ***so that nationals of those countries are guaranteed access to international protection procedures.***

Or. fr

Amendment 76

Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. Third countries listed in Annex I to this Regulation are safe countries of origin.

Amendment

1. Third countries listed in Annex I to this Regulation are ***designated as*** safe countries of origin.

Or. fr

Amendment 77

Jeroen Lenaers

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Third countries that have acquired candidate membership status for accession to the European Union should be considered safe countries of origin.

Or. en

Amendment 78
Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations.

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin ***or suspended from the list in line with Article 3 of this regulation, and shall regularly review those countries' compliance with the conditions for the designation of a country as a safe country of origin set out under Article 36(a) of Directive 2013/32/EU***, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations.

Or. fr

Amendment 79
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall **regularly** review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe **and other relevant** international organisations.

Amendment

2. The Commission shall **continually** review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe, **other relevant international organisations, and national or international non-governmental** organisations.

Or. en

Amendment 80
Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe **and other relevant international organisations**.

Amendment

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin **in order to add and remove third countries from this list**, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, **FRONTEX, the** UNHCR, **and** the Council of Europe.

Or. en

Amendment 81
Monika Hohlmeier

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR, the Council of Europe **and other relevant international organisations**.

Amendment

2. The Commission shall regularly review the situation in third countries that are on the EU common list of safe countries of origin, based on a range of sources of information, including in particular regular reporting from the EEAS and information from Member States, EASO, UNHCR **and** the Council of Europe.

Or. de

Amendment 82
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall not be applicable with regards to unaccompanied minors seeking international protection.

Or. en

Amendment 83
Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

3. The Commission shall regularly examine the situation in third countries and the possibility of proposing to add them to the EU common list of safe

countries of origin. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

Or. fr

Amendment 84

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

Amendment

3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure. ***A third country which is withdrawn or suspended from the EU common list shall no longer be considered a safe country of origin in the national lists.***

Or. fr

Amendment 85

Frank Engel

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

Amendment

3. Any amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure ***and immediately sent to the Member States and the relevant third countries.***

Or. fr

Amendment 86
Jussi Halla-aho, Timothy Kirkhope, Daniel Dalton

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. **Any** amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

Amendment

3. Amendment of the EU common list of safe countries of origin shall be adopted in accordance with the ordinary legislative procedure.

Or. en

Amendment 87
Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 3 to suspend the presence of a third country from the EU common list of safe countries of origin.

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 3 to suspend ***and add*** the presence of a third country from the EU common list of safe countries of origin ***on a temporary and emergency basis for a period of six months, in order to allow for the Council and the European Parliament to take action through the ordinary legislative procedure.***

Or. en

Amendment 88
Cécile Kashetu Kyenge

Proposal for a regulation
Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where sudden changes or

instability in the democratic system and non-compliance with international human-rights treaties and non-discrimination legislation arise in a third country that is on the EU common list of safe countries of origin and imperative grounds of urgency so require, the procedure provided for in Article 3a(new) shall apply to delegated acts adopted pursuant to this Article.

Or. en

Amendment 89

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Article 3 – title

Text proposed by the Commission

Removal of a third country from the EU common list of safe countries of origin in case of sudden change of situation

Amendment

Suspension and removal of a third country from the EU common list of safe countries of origin in case of sudden change of situation

Or. fr

Amendment 90

Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation

Article 3 – title

Text proposed by the Commission

Removal of a third country from the EU common list of safe countries of origin in case of sudden change of situation

Amendment

Removal **and addition** of a third country from the EU common list of safe countries of origin in case of sudden change of situation

Or. en

Amendment 91
Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. ***In case of*** sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, ***the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions*** set in Annex I of Directive 2013/32/EU and, if ***those conditions*** are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year.

Amendment

2. ***If*** sudden changes in the situation of a third country that is on the EU common list of safe countries of origin ***could lead to that country's non-compliance with the conditions for the designation of a country as a safe country of origin set out under Article 36 of Directive 2013/32/EU set out under Article 36(a) of Directive 2013/32/EU, the Commission shall conduct a reasoned assessment of that country's compliance with those conditions*** and, if ***they*** are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year.

Or. fr

Amendment 92
Jean Lambert
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. In case of sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU ***and, if those*** conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common

Amendment

2. In case of sudden changes in the ***legal, democratic, human rights or political*** situation of a third country that is on the EU common list of safe countries of origin, the Commission shall ***rapidly*** conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU. ***Whilst the Commission is carrying out the assessment, the country shall be suspended from the list. If the*** conditions

list for a period of one year.

set in Annex I of Directive 2013/32/EU are no longer met, **the Commission** shall **immediately** adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year. **Member States shall amend their national lists accordingly.**

Or. en

Amendment 93
Monika Hohlmeier

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. In case of sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year.

Amendment

2. In case of sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year **or for the period it needs in order to fulfil those conditions again.**

Or. de

Amendment 94
Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. In case of sudden changes in the situation of a third country that is on the

Amendment

2. In case of sudden changes in the situation of a third country that is on the

EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year.

EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of one year *or less*.

Or. fr

Amendment 95

Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. In case of sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of *one year*.

Amendment

2. In case of sudden changes in the situation of a third country that is on the EU common list of safe countries of origin, the Commission shall conduct a substantiated assessment of the fulfilment by that country of the conditions set in Annex I of Directive 2013/32/EU and, if those conditions are no longer met, shall adopt, in accordance with Article 290 TFUE, a Decision suspending the presence of that third country from the EU common list for a period of *six months*.

Or. en

Amendment 96

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If, during the suspension period, it

becomes clear from the available information that the situation in the third country has stabilised, the Commission can take the decision to lift the suspension of that country from the common list of safe countries of origin. The Council and European Parliament shall be kept informed.

Or. fr

Amendment 97

Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. Where the Commission has proposed an amendment to this Regulation in order to remove a third country from the EU common list of safe countries of origin, *it can on the basis of a substantial assessment referred to in paragraph 2 extend the validity of the delegated decision adopted pursuant to paragraph 2 for a period of maximum one year.*

Amendment

3. Where the Commission has proposed an amendment to this Regulation in order to remove *or add* a third country from the EU common list of safe countries of origin.

Or. en

Amendment 98

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Should a country be suspended from the EU common list of safe countries of origin for a continuous period of two years, it shall automatically be removed from the list.

Amendment 99

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Adding a third country to the EU common list of safe countries of origin

1. In view of the harmonisation of national lists of safe countries of origin, the Commission shall regularly examine the migration flows in the Member States, the admissibility of international protection requests and the effectiveness of returns to make sure that the common list of safe countries of origin is complete and effective. If appropriate, the Commission will draw up a proposal to enlarge the common list of safe countries of origin after a thorough examination of the situation in that country on the basis of a range of information sources at its disposal.

2. The Member States can propose to add third countries to the common list of safe countries of origin. The Commission shall then examine those proposals within six months of their submission, on the basis of the range of information sources at its disposal, in particular EEAS reports and information provided by the Member States, EASO, the UNHCR, the Council of Europe and other relevant international organisations. If it decides that it a third country can be added to the list, the Commission shall draw up a proposal to enlarge the EU common list of safe countries of origin.

3. The Commission shall ensure that, for every third country added to the EU

common list of safe countries of origin, there is an efficient EU return policy with readmission agreements that must be complied with fully for EU aid to be sent to those countries.

Or. fr

Amendment 100
Martina Anderson, Barbara Spinelli

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Temporary suspension of the Regulation

1. In case of sudden changes in the situation of a Member State where there are substantial grounds for believing that there are systemic flaws in the asylum procedure and reception conditions for asylum applicants, resulting in inhumane or degrading treatment, within the meaning of Article 4 of the European Charter of fundamental rights, the Commission, basing itself on a range of sources of information, including information from Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations, and national or international non-governmental organisations, shall recommend as soon as possible a temporary suspension of the application of this regulation to that Member State.

2. The Parliament and the Council can request the temporary suspension of the application of this regulation to a specific Member State respectively through parliamentary resolutions or Council conclusions. If the Commission decides not to bring forward their request, it shall provide a substantiated explanation in this regard, which shall be

*submitted to the European Parliament
and to the Council.*

Or. en

Amendment 101

Frank Engel

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

*Reintegration of a suspended third
country from the EU common list in the
event of a sudden, favourable change of
situation*

*One or more Member States can inform
the Commission of a change of situation
in a third country suspended from the
common list if that country once again
appears to comply with the conditions set
out under Annex I of Directive
2013/32/EU;*

*After consultation with its experts and on
the basis of a proposal to Parliament and
to the Council, the Commission can
decide to reintegrate that country into the
common list of safe countries of origin.*

Or. fr

Amendment 102

Martina Anderson

Proposal for a regulation

Article 4 – paragraph 1 – point -1 (new)

Directive 2013/32/EU
Article 25 – paragraph 6 – point a – point i

Text proposed by the Commission

(i) the applicant comes from a country which satisfies the criteria to be considered a safe country of origin within the meaning of this Directive; **or**

Amendment

(-1) In Article 25 paragraph 6 point a point i is amended as follows:

(i) the applicant comes from a country which satisfies the criteria to be considered a safe country of origin within the meaning of this Directive, ***except where Article 36(3) applies***

Or. en

Amendment 103 **Martina Anderson**

Proposal for a regulation
Article 4 – paragraph 1 – point -1 a (new)
Directive 2013/32/EU
Article 25 – paragraph 6 – point a – point ii

Text proposed by the Commission

(ii) the applicant ***has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 40(5); or***

Amendment

(-1a) in Article 25 paragraph 6, point a, point ii is amended as follows:

(ii) the applicant ***comes from a country which satisfies the criteria to be considered a safe country of origin within the meaning of this Directive, except where Article 36(3) applies***

Or. en

Amendment 104 **Martina Anderson**

Proposal for a regulation
Article 4 – paragraph 1 – point -1 b (new)

Text proposed by the Commission

(b) the applicant is from a safe country of origin within the meaning of this Directive; **or**

Amendment

(-1b) in Article 31, paragraph 8, point b is amended as follows:

(b) the applicant is from a safe country of origin within the meaning of this Directive, **except where Article 36(3) applies**

Or. en

Amendment 105
Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation
Article 4 – paragraph 1 – point 1
Directive 2013/32/EU
Article 36 – paragraph 1

Text proposed by the Commission

1. A third country designated as a safe country of origin in accordance with this Directive by national law or that is on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 of the European Parliament and of the Council* [this Regulation] may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only if:

Amendment

1. A third country designated as a safe country of origin in accordance with this Directive by national law or that is on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 of the European Parliament and of the Council* [this Regulation] may, after an individual examination of the application, **including a personal interview as required by Article 14**, be considered as a safe country of origin for a particular applicant only if:

Or. fr

Amendment 106
Martina Anderson

Proposal for a regulation
Article 4 – paragraph 1 – point 1

Text proposed by the Commission

1. A third country designated as a safe country of origin in accordance with this Directive by national law or that is on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 of the European Parliament and of the Council* [this Regulation] may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only if:

Amendment

1. A third country designated as a safe country of origin in accordance with this Directive by national law or that is on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 of the European Parliament and of the Council* [this Regulation] may, after an individual examination of the application, ***including a personal interview within the meaning of Article 14 and without derogating from Article 22***, be considered as a safe country of origin for a particular applicant only if:

Or. en

Amendment 107

Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Directive 2013/32/EU

Article 36 – paragraph 1 – point a

Text proposed by the Commission

a) he or she has the nationality of that country;

Amendment

a) he or she has the nationality of that country ***and does not belong to one of the national, ethnic, religious or linguistic minorities of that country***;

Or. fr

Amendment 108

Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Directive 2013/32/EU

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

"1a. The third countries in Annex I of this directive and in Annex I of Regulation (EU) No XXXX/2015 (this regulation) are third countries that have been designated as safe countries of origin and make up the EU common list of safe countries of origin.'

Or. fr

Amendment 109

Jean Lambert

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 1 – point 1 a (new)

Directive 2013/32/EU

Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 36 the following paragraph is included:

"2a. In order to assess the admissibility of an application and prior to taking into consideration the provisions of Regulation (EU) No XXXX/2015 of the European Parliament and of the Council* [this Regulation], Member States shall consider all documents submitted, including any evidence that the applicant is a member of a group that faces persecution or serious harm according to the sources of information referred to in article 37 (3) of this Directive."

Or. en

Amendment 110

Gérard Deprez, Louis Michel, Cecilia Wikström

Text proposed by the Commission

Amendment

1a. The following article is inserted:

Article 36a

Designation of safe countries of origin for the purposes of Article 36 and Article 37(1).

A country is considered to be 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 situation, it can be shown that there is no general or consistent persecution within the meaning of Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat posed by indiscriminate violence in situations of international or internal armed conflict.

In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by:

- a) the relevant laws and regulations of the country and the manner in which they are applied;***
- b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;***
- c) respect for the non-refoulement principle in accordance with the Geneva***

Convention;

d) provision for a system of effective remedies against violations of those rights and freedoms. EN 29.6.2013 Official Journal of the European Union L 180/87

Or. fr

Justification

The text has merely been moved from the annex to the main body of the text. The concept of safe country of origin and its application are described in Article 36 of the directive. The criteria and conditions for designating of a country as a safe country of origin should also be inserted into the main body of the text and not left in Annex I, which should instead contain the EU common list of safe countries of origin.

Amendment 111

Frank Engel

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Directive 2013/32/EU

Article 37 – paragraph 1

Text proposed by the Commission

1. Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection.

Amendment

1. ***For the two years following the adoption of this regulation,*** Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection. ***They must notify the Commission of any changes made to their national list.***

Or. fr

Amendment 112

Rachida Dati, Monika Hohlmeier, Jeroen Lenaers, Brice Hortefeux

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Directive 2013/32/EU

Article 37 – paragraph 1

Text proposed by the Commission

1. Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection.

Amendment

1. Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection.
They are responsible for making sure that the national lists of safe countries of origin and the EU common list are consistent with one another.

Or. fr

Amendment 113

Gérard Deprez, Louis Michel, Cecilia Wikström

Proposal for a regulation

Article 4 – paragraph 1 – point 2

Directive 2013/32/EU

Article 37 – paragraph 1

Text proposed by the Commission

1. “1. Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection”.

Amendment

1. “1. ***For the three years following the entry into force of Regulation (EU) No XXXX/2015 [this regulation],*** Member States may retain or introduce legislation that allows, in accordance with Annex I, for the national designation of safe countries of origin other than those on the EU common list of safe countries of origin established by Regulation (EU) No XXXX/2015 [this Regulation] for the purposes of examining applications for international protection”.

Amendment 114

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 2 a (new)

Directive 2013/32/EU

Article 37 a (new)

Text proposed by the Commission

Amendment

(2a) New Article 37a is added:

"Article 37a

The concept of unsafe country of origin

1. A third country designated as an unsafe country of origin in accordance with this Directive may be considered as an unsafe country of origin for a particular applicant if:

(a) he or she has the nationality of that country; or

(b) he or she is a stateless person and was formerly habitually resident in that country,

2. Member States shall lay down in national legislation further rules and modalities for the application of the unsafe country of origin concept.

3. Applications from nationals coming from an unsafe country of origin shall be recognized as likely to be well-founded and prioritized following Article 31 (7)(a)"

Or. en

Amendment 115

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) New Article 37b is added:

"Article 37b

National designation of third countries as unsafe countries of origin

1. Member States may retain or introduce legislation that allows for the national designation of unsafe countries of origin for the purposes of examining applications for international protection.

2. Member States shall regularly review the situation in third countries designated as unsafe countries of origin in accordance with this Article.

3. The assessment of whether a country is an unsafe country of origin in accordance with this Article shall be based on a range of sources of information, including in particular information from other Member States, EASO, UNHCR, the Council of Europe and other relevant international organisations, and national or international non-governmental organisations.

4. Member States shall notify to the Commission the countries that are designated as unsafe countries of origin in accordance with this Article."

Or. en

Amendment 116
Martina Anderson

Proposal for a regulation
Article 4 – paragraph 1 – point 2 b (new)
Directive 2013/32/EU
Article 39

(2b) Article 39 should be replaced with:

If a Member State has listed a third country as a 'safe country of origin' pursuant to Article 37 and Annex I, or a 'safe third country' pursuant to Article 38, but an organisation concerned with the protection of human rights submits evidence to the Commission that the designation is not compliant with the relevant criteria, the Commission shall examine the issue. It may also examine such an issue on its own initiative.

The Commission shall inform the relevant Member State, and ask it for its observations. Within one month of the start of the assessment, the Commission shall decide on the compatibility of the Member State's decision with the criteria in this Directive. If the Commission's view is negative, the Member State shall withdraw the relevant measure.

Or. en

Amendment 117

G rard Deprez, Louis Michel, Cecilia Wikstr m, Maite Pagazaurtund a Ruiz

Proposal for a regulation

Article 4 – paragraph 1 – point 2 a (new)

Directive 2013/32/EU

Article 46 – paragraph 6 – point a

Present text

(a) considering an application to be manifestly unfounded in accordance with Article 32(2) or unfounded after examination in accordance with Article 31(8), except for cases where these decisions are based on the circumstances

Amendment

2a. Article 46(6)(a) is replaced by the following:

(a) considering an application to be manifestly unfounded in accordance with Article 32(2) or unfounded after examination in accordance with Article 31(8), except for cases where these decisions are based on the circumstances referred to in Article 31(8)(b) and(h); and

referred to in Article 31(8)(h);

(h)

Or. fr

Justification

Point (b) of Article 31(8) has been added to guarantee that appeals in asylum request cases for nationals of a designated safe country of origin result in a stay of proceedings.

Amendment 118

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 2 c (new)

Directive 2013/32/EU

Article 46 – paragraph 6 – point a

Text proposed by the Commission

(a) considering an application to be manifestly unfounded in accordance with Article 32(2) or unfounded after examination in accordance with Article 31(8), except for cases where these decisions are based on the circumstances referred to in Article 31(8)(h);

Amendment

(2c) Article 46, paragraph 6, point a is replaced by the following:

(a) considering an application to be manifestly unfounded in accordance with Article 32(2) or unfounded after examination in accordance with Article 31(8), except for cases where these decisions are based on the circumstances referred to in Article 31(8)(b) **and** (h);

Or. en

Amendment 119

Gérard Deprez, Louis Michel, Cecilia Wikström, Maite Pagazaurtundúa Ruiz

Proposal for a regulation

Article 4 – paragraph 1 – point 3

Directive 2013/32/EU

Annex I – title

Text proposed by the Commission

Designation of safe countries of origin for the purposes of Article 36 and Article 37(1).

Amendment

‘EU common list of safe countries of origin’

Amendment 120

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 3 a (new)

Directive 2013/32/EU

Annex I – paragraph 1

Present text

A country is considered 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 generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

Amendment

(1a) in Annex I, paragraph 1 is amended as follows:

A country is considered 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 generally and consistently, ***in respect of the population as a whole as well as specific groups of persons within the country***, no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

Or. en

Amendment 121

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 3 b (new)

Directive 2013/32/EU

Annex I a (new)

Text proposed by the Commission

Amendment

(3b) A new Annex Ia is added:

"Annex Ia

Designation of unsafe countries of origin

for the purposes of Article 37(c)

A country is considered as an unsafe country of origin where:

(a) 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.

(b) a considerable number of individuals are persecuted, in law or in practice, for reasons of gender, race, religion, nationality, political opinion or membership of a particular social group;"

Or. en

Amendment 122

Martina Anderson, Barbara Spinelli

Proposal for a regulation

Article 4 – paragraph 1 – point 3 c (new)

Directive 2013/32/EU

Annex I b (new)

Text proposed by the Commission

Amendment

(3c) A new Annex Ib is added:

"Annex Ib

Actors of persecution or serious harm

Actors of persecution or serious harm as provided by ANNEX I (b) include:

(a) the State;

(b) parties or organisations controlling de facto the State or a substantial part of the territory of the State;

(c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Amendment 123

Jussi Halla-aho, Timothy Kirkhope

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Review

Whereas the European Commission shall examine the possibility to replace national lists with a harmonised European list of safe third countries, based on a full assessment of the impact of this Regulation on the rate of returns to safe third countries, and the difference between national lists in all Member States and the common European list of safe third countries. Whereas this review should be carried out three years after the entry into force of this Regulation. Whereas the Commission shall submit a report to the Council and the European Parliament.

Or. en

Amendment 124

Marine Le Pen, Gilles Lebreton

Proposal for a regulation

Annex I – paragraph 7

Text proposed by the Commission

Amendment

Turkey.

deleted

Or. fr