



**Parliament of Romania
Chamber of Deputies
Committee on European Affairs**

Bucharest 8 October 2015
No. 4 c-19 / 612

Opinion

**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 -
COM(2015)452**

According to the provisions of Article 170 paragraph (1) of the Regulations of the Chamber of Deputies, republished, The Committee on European Affairs, together with the Committee for Human Rights, Cults and National Minorities Issues, the Committee for Legal Matters, Discipline, and Immunities, the Committee for Defence, Public Order, and National Security, the Committee for Foreign Policy were notified to examine on the merits 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 - COM(2015)452.

Having regard to:

- the draft opinion adopted by the Committee for Human Rights, Cults and National Minorities Issues (4c-5/657/5.10.2015),
- the draft opinion adopted by the Committee for Defence, Public Order and National Security (4c-12/283/6.10.2015),
- the draft opinion adopted by the Committee for Foreign Policy (4c-13/36/15.09.2015),
- the Ministry of Foreign Affairs Notice,
- the Ministry of Internal Affairs Notice,
- Notice of the European Affairs Department of the Presidential Administration,
- Notice of the Office in Romania of the International Organization for Migration,
- messages of the Representative of Romania to EU,

- the contributions to the debates, of the representatives of the aforementioned institutions,
- the contributions of own secretariat,
- the fact sheet and the contributions of the EU Division - Chamber of Deputies,
- opinion of the Chamber of Deputies of 30 June 2015 on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European agenda on migration - COM(2015)240

The Committee on European Affairs:

1. Takes note that the concept of "safe country of origin" is included in the legislation of 22 Member States, although only 15 of the Member States apply it in practice.
2. Finds that Romania does not have a national list of safe third countries or safe countries of origin. The cases are considered on a case by case basis. The list of safe countries of origin is adopted by Order of the Minister of Internal Affairs, at the proposal of the General Inspectorate for Immigration and based on the criteria laid down in the national legislation. Romania is in full process of completing the alignment of the national legislation with the EU *acquis*. In this context, the new legal provisions will encompass issues relating to the implementation of the concept of safe third country and safe country of origin.
3. Takes note that the Romanian government supports the document in its current form, considering that adopting a common position across the EU Member States regarding the safe countries of origin to be included on the national lists is particularly timely, because it would allow the creation of a unified practice at the EU level through the adoption of similar solutions for similar cases; also, it sends an important signal to discourage abuse to the institution of asylum, as well as the secondary movements of the asylum seekers to Member States that have more favourable provisions in this respect, thereby leading to reduction of an additional pressure on the asylum systems of the Member States.
4. Takes note that, at the time of entry into force of this proposal, the lists of safe countries of origin designated by each Member State will coexist with the joint list regarded by this proposal.
5. Welcomes *"the possibility to take further steps of harmonisation that could lead to the elimination of the need for national lists of safe countries of origin [...]"* based on the report of the European Commission, after a period of three years following the entry into force of this Regulation.
6. Takes note that the Proposal for Regulation will not alter the criteria set out in Annex I to Directive 2013/32 (on asylum procedures) nor the definition of the acts of persecution referred to in Article 9 of Directive 2011/95, which significantly reduces the possibility of making contributions to the content of the Union's proposal, for the purpose of improving the system of the safe countries of origin.
7. Welcomes the possibility that the applicant for international protection submits evidence showing that, although his country of origin is safe, he personally is not safe; notes,

however, the difficulty of establishing the reality of such allegations and believes that measures should be provided to sanction possible abuses.

8. Notes the existence of a differentiated regime between the inclusion procedures and respectively those for suspension or removal from the common list of a country, given that the procedure for inclusion is implemented in accordance with the ordinary legislative procedure, based on a proposal of the Commission, and the suspension or removal of a third country from the common list would be achieved through the adoption by the Commission of a delegated act.
9. Although in principle supports the European Commission's mandate to facilitate the implementation of the Union's decisions through delegated acts, recognizes that it is difficult to establish criteria and to prove that indeed there was a "dramatic change in the situation" of a country.
10. Admits the sustainability of the objective pursued by the proposal for regulation – strengthening the implementation of the provisions regarding the safe countries of origin laid down in Directive 2013/32, as an essential tool to facilitate the fast processing of requests that are likely to be unfounded.
11. Welcomes the intention to facilitate the convergence in applying the procedures in the matter of asylum.
12. Highlights the importance of striking a balance between the accelerated nature of a procedure – as a consequence of the presumption induced by designating a country as a safe country of origin – and the procedural rights of an applicant for international protection.
13. Regarding the inclusion of the countries in the Western Balkans and Turkey in the EU common list of safe countries of origin, notes the need for inherent compliance between the European perspective of these countries and the need for their compliance with the political criteria set by the European Council in Copenhagen (June 1993).

Expresses its concern about the fact that in some states from the list of safe countries of origin there were still recorded cases of discrimination or violence against certain people on ethnic or religious criteria, or because of their political views, and also against persons belonging to vulnerable groups, journalists and children. Recommends that during the period of pre-accession such cases are treated with the utmost attention and to be identified, as quickly as possible, ways to reduce them, especially in the case of children.

14. Considers that the sources of information, including in particular the annual reports issued by the European Commission on the progresses made by the third countries designated as candidates by the European Council, the regular reports from the European External Action Service and the information communicated by the Member States, the European Asylum Support Office, the United Nations High Commissioner for Refugees, the Council of Europe and other relevant international organizations should be complemented with an analysis of the risks these states are confronted with, even after including them on the list of the safe countries.

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The Committee on European Affairs, at the sitting of 6 October 2015, in the presence of 15 of the 22 members, decided unanimously to adopt this opinion to be forwarded to the Standing Bureau of the Chamber of Deputies, for completion of the parliamentary scrutiny procedure.

Proposes to inform the European Union institutions and the Romanian Government on its observations and recommendations, as a contribution to the formulation of effective policies in the field of reference.

Proposes, at the same time, to forward its observations / recommendations to the European Commission, in the informal political dialogue proposed by the European Commission in the Communication "Delivering results for Europe", COM(2006)211.

Chairperson,

Secretary,

Ana BIRCHALL

Dorel Gheorghe CĂPRAR

Written by DM, FA, MB