



Romanian Parliament
Senate

Bucharest, 2 November 2015

OPINION

of the ROMANIAN SENATE

regarding 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 final

The Romanian Senate examined 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 final – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of October 28, 2015 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of November 2, 2015, decided as follows:

- 1. It is certified that this Regulation complies with the principles of subsidiarity and proportionality.**
- 2. In the context of migration crisis, the following are noted:**
 - a. the importance of the proposed Regulation to designate safe countries of origin
 - b. the usefulness of the proposed Regulation for the celerity of procedures related to asylum applications
 - c. that the provisions of the proposed Regulation do not generate other changes that adversely affect the package procedures established for the proper management of migration.
 - d. usefulness of the possibility for the asylum seeker, on his/her own evidence, to be able to prove that he/she is insecure, even if the emergent country belongs to the list of safe countries of origin; it is also noted that such a situation is not easy to be proven.

- e. the existence of different procedures, a regulation adopted in ordinary legislative procedure, and suspension or withdrawal of a country from the common list by Commission delegated acts.

3. The following are considered necessary and mandatory:

- a. the convergence and uniformity of asylum procedures
- b. a uniform European list of safe countries of origin, although there are Member States that have adopted specific national lists.
- c. the provisions of the Regulation which affirm that "Member States may adopt decisions allowing national designation and safe countries of origin other than those present in the common EU list", but considering the provisions and direct applicability of this Regulation. Thus, although Member States retain the prerogative of the national designation of third countries other than those listed as common EU safe countries of origin, the creation of this joint lists ensure that this concept is applied evenly to applicants whose emergent countries are on the list.
- d. the periodic review of the countries on the common list, and the provision that the Commission may adopt a decision under delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union, when an unfavorable change of situation in a third country included on the EU list occurs.
- e. identifying solutions to the underlying causes of migration: poverty reduction and development of countries of origin and transit, conflict resolution etc., beyond application of the measures for crisis management.
- f. the need to develop and implement foreign policy and common security policy, according to the new realities.
- g. given the current crisis situation, review of the list not later than six (6) months for the first two (2) years, or whenever an exceptional situation requires.

4. The following are recommended:

- a. establishing clear and objective criteria in order to assess "a sudden change of the situation" within safe countries of origin, by identifying risks of each country, considering that the Commission will take the decision to suspend or withdraw by delegated acts a country from the common list of safe countries of origin.

President of the Senate



Călin POPESCU-TĂRICEANU