



EUROPEAN COMMISSION

*Brussels, 11.04.2016  
C(2016) 1849 final*

*Dear President*

*The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation 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}.*

*This proposal forms part of the broader package of ambitious measures announced by the Commission in its European Agenda on Migration and designed to managing migration better in all its aspects.*

*The proposal aims at establishing an EU common list of safe countries of origin so as to facilitate the use by all Member States of the procedures linked to the application of the safe country of origin concept as defined in Directive 2013/32/EU, thus increasing the efficiency of their asylum systems, and reducing discrepancies among Member States in the approaches towards similar applications for international protection. The EU common list will also help to deter secondary movements of applicants for international protection.*

*The Commission is pleased that the Senat shares the view that action at the EU level as envisaged in the proposal is in line with the principles of subsidiarity and proportionality and welcomes the Senat's broad support to the establishment of an EU common list of safe countries of origin.*

*Discussions on the proposal have started within the Council and within the European Parliament and the Commission hopes will rapidly adopt the proposal. In response to the more precise comments made by the Senat, the Commission would like to refer to the attached annex.*

*Mr Călin POPESCU-TĂRICEANU  
President of the Senat  
Calea 13 Septembrie nr. 1-3, sector 5  
RO – 050711 BUCHAREST*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Dimitris Avramopoulos  
Member of the Commission*

## Annex

*The Commission has carefully considered the issues raised by the Senat in its Opinion and would like to offer the following observations grouped by topic.*

*The Commission would like first to underline that increasing the convergence of Member States' asylum procedures is one of the main objectives of the proposal. Although Member States would retain the right to designate other third countries as safe countries of origin at national level, the aim of establishing an EU common list of safe countries of origin is to ensure that the concept is applied in a uniform manner in relation to applicants whose countries of origin are on this common list. Nevertheless, it should be noted that the proposed Regulation does not create as such an obligation for the Member States to make use of the safe country of origin concept and of the procedural facilities attached to it. As indicated in Recital 4 of the Commission's proposal, the possibility to take in the future further steps of harmonisation should be considered after a period of three years following the entry into force of the Regulation, if adopted, on the basis of a report to be presented by the Commission.*

*Secondly and as explicitly provided in Recital 6 of the proposal, the Commission agrees that it should regularly review the situation in the third countries on the EU common list, so as to be able in particular to react quickly in case of sudden change for the worse in the situation of a third country on this list. The Commission takes due note of the request made in the Senat's Opinion that such a review takes place every six months for the first two years of implementation of the Regulation. However, the Commission does not consider necessary to provide for prescribed time limits in the Regulation since the periodicity of the review should very much depend on the characteristics of each third country. As for the establishment of clear and objective criteria for assessing a sudden change of situation in third countries on the EU common list, the Commission would like to underline that it would assess such a change of situation in relation to the criteria already defined in the Asylum Procedures Directives for designating safe countries of origin. If these criteria are no longer met, the Commission should suspend the presence of the third country concerned of the EU common list. In that context, the Commission would like to underline that, in its proposal, the power to withdraw a third country from the EU common list lies with the co-legislator and is not delegated to the Commission.*

*Concerning the issue of identifying solutions for underlying causes of migration, it should be noted that migration is now firmly embedded in the new Sustainable Development Goals, rightly recognising migration as a powerful, positive force for development. In this context, development cooperation is essential for addressing root causes of irregular migration and forced displacement, but also in building the capacities of partner countries to better manage migration and refugee movements. The Commission agrees that when rightly targeted, and based on sound data and information, this support can make a substantial contribution to address, in the medium-to long-term, the challenges that both partner countries and potential migrants are facing, and contributing to ensuring that migration becomes a choice rather than a necessity.*

*The Commission is indeed very much mobilised as far as the identification of solutions to the underlying causes of migration is concerned. It announced on 9 September 2015 the establishment of an “Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa”. The constitutive act of this Trust Fund was signed on the margins of the La Valletta Summit, held on 11-12 November 2015. The Trust Fund will help address the root causes of destabilisation, forced displacement and irregular migration in Africa by promoting economic and equal opportunities, strengthening resilience of vulnerable people, security and development in the Sahel and Lake Chad, the Horn of Africa, and the North Africa regions and will be endowed with a budget of EUR 1.8 billion.*

*Trust Funds are an innovative mechanism under the EU Financial Regulation used in the field of development cooperation to pool large resources from different donors in order to enable a joint, flexible and swift, response to specific challenges. In this case, Member States and other associated countries (27 countries in total) have already pledged an amount of EUR 82 Million which has to be added to the abovementioned EU contribution.*

*In terms of priorities, the Trust Fund will finance actions organised around four main thematic pillars: 1) Establishing inclusive economic programmes that create employment opportunities, especially for young people and women in local communities, with a focus on vocational training and creation of micro- and small enterprises. 2) Supporting resilience in terms of food security and of the wider economy, including basic services for local populations, and in particular the most vulnerable, as well as refugees and displaced people. 3) Improving migration management in all its aspects in line with the Global Approach to Migration and Mobility, and the Rabat and Khartoum processes. 4) Supporting improvements in the overall good governance, in particular by promoting conflict prevention, addressing human rights abuses and enforcing the rule of law, including through capacity building in support of security and development.*