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From:	European Economic and Social Committee (EESC)
date of receipt:	31 October 2025
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level- [8042/25 - COM(2025)186] Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2024/1348 as regards the application of the 'safe third country' concept [8635/25 - COM(2025)259] - Opinion of the European Economic and Social Committee

Delegations will find attached a copy of the above-mentioned opinion[1].

[1] The translation(s) of the opinion may be available at the following address: DM Search v5.4.0

European Economic and Social Committee

OPINION

European Economic and Social Committee

Safe countries package

Safe countries package
(COM(2025) 186)
(COM(2025) 259)

REX/610

Rapporteur-general: **Pietro Vittorio BARBIERI**

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Advisor	Lorenzo TAMBURRINI
Legal basis	Rule 52(2) of the Rules of Procedure
Referral	12/7/2025
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	External Relations
Adopted in section	9/9/2025
Adopted at plenary session	23/10/2025
Plenary session No	600
Outcome of vote (for/against/abstentions)	183/14/23

1. Conclusions and recommendations

1.1 The EESC welcomes the Commission's efforts to **standardise the procedures for designating safe countries**, which are currently decided at the discretion of the individual Member States, with an absence of transparency and a lack of effective supranational oversight.

1.2 The EESC emphasises the fact that the designation of a country as '**safe**' plays a pivotal role in the procedures for examining asylum applications, given that applications from citizens coming from countries considered to be safe are examined under an **accelerated procedure**.

1.3 The use of the accelerated procedure for the examination of an asylum application means that **the procedural safeguards are diminished** and that, if the application is rejected, **the applicant may be removed from the territory of the Member State** pending a court appeal. This situation is blatantly at odds with the principle of non-refoulement, under Article 33 of the Geneva Convention.

1.4 The designation of safe countries also constitutes a **restriction of the right to asylum**, both because procedural safeguards are diminished due to the use of the accelerated procedure and because the presumption that the country is safe results in a **reversal of the burden of proof** onto the asylum seeker, who must prove the contrary in order to be granted international protection.

1.5 The EESC believes that the **recognition rate of 20%** at EU level (under Article 42(1)(j) and Article 42(3)(e) of the Asylum Procedure Regulation) established as a criterion for the application of the accelerated procedure and the border procedure is arbitrary and inadequate.

1.6 The EESC argues that, on the basis of the data currently available from both institutional and civil society sources and in accordance with the Charter of Fundamental Rights of the EU, the main consequence of **designating the countries listed in Annex II to COM(2025) 186 as safe (Bangladesh, Colombia, Egypt, India, Kosovo[2], Morocco, Tunisia) could be to deny the right to asylum to applicants from those countries**.

2. General comments

2.1 The EESC maintains that in order to designate a country of origin or transit as 'safe', there must be **no verified human rights violations** in that country that would mean that international protection would have to be granted to an asylum seeker under the Geneva Convention.

2.2 The EESC argues that until **supranational oversight** is introduced, the European asylum system will be vulnerable.

2.3 The EESC argues that a country cannot be designated as 'safe' while **also having 'unsafe' exceptions** in relation to specific territorial areas or specific categories of people. Such exceptions

[2] This designation is without prejudice to positions on status, and is in line with the United Nations Security Council Resolution 1244(1999) and the International Court of Justice opinion on Kosovo's declaration of independence.

could lead to ambiguity and unfair discretion in the assessment of individual asylum applications, as established by the Court of Justice of the European Union (CJEU) in October 2024.

2.4 Therefore, if such exceptions are allowed, they should be: publicly available to all, binding and non-optional for the Member States, and uniformly adopted at EU level.

2.5 The very existence of an accelerated procedure constitutes, in itself, discrimination against the people involved in those procedures. The EESC would like to see every asylum application assessed in an appropriate timeframe, with proper tools and involving thorough assessments, so as to protect the rights of asylum seekers.

2.6 The EESC argues that the adoption of the safe country concept should not be justified on the basis of thus being able to swiftly examine asylum applications that are '**likely**' to be unfounded[3]. This is for two reasons: firstly, if the examination is swift, the risk is that the assessment is only superficial, to the detriment of various rights of the applicant, and, secondly, because we consider it dangerous and unlawful to rely on the mere likelihood of the application being unfounded in order to determine the type of procedure to be adopted.

2.7 The EESC points out that the adoption of ambiguous lists of safe countries, resulting in the use of the accelerated procedure and an increase in wrongful refusals to grant international protection, risks being conducive to an increase in the number of undocumented foreign nationals within Europe and thus increasing **precarious** health, work and housing situations, leading to an increase in shadow economies.

3. Background

3.1 The **differentiated treatment of applications for international protection** on grounds of nationality may run counter to the prohibition of discriminatory treatment of refugees on the basis of their country of origin enshrined in Article 3 of the 1951 Geneva Convention relating to the Status of Refugees, as previously pointed out in **EESC opinion REX/457**[4].

3.2 As pointed out in EESC opinion REX/457, **neither** the existence of a national legislative framework for protecting human rights **nor** the status of candidate country for accession to the EU can be considered **criteria that are sufficient in themselves** for including a country on the list of safe countries.

3.3 According to Directive 2013/32/EU[5], a country of origin is considered safe '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

3 COM(2025) 186 final, p. 2.

4 Establishing an EU common list of safe countries of origin.

5 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

as defined in Article 9 of Directive 2011/95/EU[6], 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'.

3.4 The EESC thinks that deleting the words '**generally**' and '**consistently**' in relation to persecution would improve the legislation as regards the necessary conditions for determining safe countries.

3.5 On 4 October 2024, a ruling of the **CJEU** strongly weakened the impact of the adoption of safe country lists. The CJEU clarified that, for a country to be designated safe, **the whole of the country must be safe, without exceptions** for certain parts of its territory or for certain categories of persons from the presumption of safety.

3.6 In the same judgment, the CJEU ruled, with reference to Directive 2013/32/EU and the Charter of Fundamental Rights of the European Union, that **the national court** examining an appeal against a decision rejecting an application for international protection must not limit itself to the arguments put forward by the applicant, but must **verify of its own motion whether the designation of the country as a safe country complies with the requirements of EU law**, by carrying out an up-to-date (*ex nunc*) and full review of the contested decision.

4. Analysis

4.1 The EESC believes that the **lack of supranational oversight** over the procedures that Member States adopt to designate third countries as safe that meet the standards required by EU law constitutes a **vulnerability** within asylum application practices.

4.2 Currently there is only **an obligation to forward the lists to the Commission**, which has never intervened, leaving full discretion to the Member States.

4.3 The procedures used by the Member States to designate safe countries are not transparent, and generally the **designation** of a country of origin as safe is linked to the **number of asylum seekers coming from that country**[7] for whom there may be readmission agreements with the host country.

4.4 The **national lists** may therefore **differ** greatly between Member States, and many of them have also decided not to adopt any list of safe countries.

4.5 The EESC points out that, as stated in **opinion REX/457**, the adoption of a common list of safe countries of origin will not in itself lead to greater harmonisation, as this common list will co-exist alongside the national lists compiled by each Member State.

6 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

7 EUAA, December 2022.

4.6 While Articles 59(2) and 61(2) respectively of the Asylum Procedure Regulation **allow** Member States to **designate third countries and countries of origin as safe countries with 'exceptions for specific parts of its territory or clearly identifiable categories of persons'**, the risk remains that such exceptions will not be taken into account, as this remains entirely at the discretion of the Member States.

4.7 Furthermore, **the criteria for determining such territorial exceptions and categories of person** are not specified in the Regulation, thus giving further discretion to the Member States or to individual local officials.

4.8 Setting a recognition **rate of 20%** at EU level as a criterion to apply the accelerated procedure and the border procedure is completely arbitrary and not supported by any scientific basis.

4.9 Where the person comes from a country of origin or transit considered to be safe, this enables the administrative authorities examining an asylum application in the first instance to **reject the application without examining the substance of the application**.

4.10 The entire process, including the possibility of appealing before a court a decision made by the administrative authority to reject an application, is subject to an **accelerated procedure** that **curtails the right of defence** of the international protection applicant from a safe country.

Brussels, 23 October 2025.

The President of the European Economic and Social Committee
Séamus Boland