



Valletta Harbour, 12 June 2025  
EUAA/ED/2025/164

Mr Emilio De Capitani  
Sent by email to: <mailto:ask+request-15842-db500488@asktheeu.org>

**Subject: Your application for access to EUAA documents (No 005632)**

Dear Mr De Capitani,

Reference is made to your request for access to documents dated 24 April 2025 whereby you requested:

*“[a] copy of the documents referred to in the Commission legislative proposal for a common EU list of 'safe countries of origin' (2025/0101(COD) - namely the methodology for determining this list and the assessment of the countries concerned, including the candidate countries for EU accession and any countries that the Commission did not propose for inclusion on the common EU list, as well as the seven countries which it did propose for the list”.*

Please be informed that your request (No 005632 – registered on 25 April 2025) has been treated as an application for public access to documents falling under the provisions of Regulation (EC) No 1049/2001<sup>1</sup>, in accordance with the Agency’s Management Board Decision No 6 of 20 September 2011<sup>2</sup>.

Having carefully examined your application and after having consulted the relevant internal and external entities, please find below the EUAA’s response thereto.

**I. RELEVANT DOCUMENTS IDENTIFIED**

Being highly committed to the principle of good administration in general, as well as in the context of its communication with the public, the EUAA’s services have carried out thorough administrative efforts to identify any relevant documentation.

As a result, the Agency has identified a total of 15 relevant documents falling under the scope of your application:

1. 2025 COI Factsheets on Potential Safe Countries – Terms of Reference
2. EUAA Country of Origin Information (COI) Report Methodology
3. Bangladesh SCO factsheet
4. Colombia SCO factsheet
5. Egypt SCO factsheet

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, (OJ L 145, 31.5.2001, p. 43).

<sup>2</sup> Management Board Decision No 6 of 20 September 2011 laying down practical arrangements to the documents of the European Asylum Support Office (EASO).





6. India SCO factsheet
7. Kosovo SCO factsheet
8. Morocco SCO factsheet
9. Tunisia SCO factsheet
10. Türkiye SCO factsheet
11. Albania SCO factsheet
12. Bosnia and Herzegovina SCO factsheet
13. Montenegro SCO factsheet
14. North Macedonia SCO factsheet
15. Serbia SCO factsheet

Having diligently examined your request and after having consulted the relevant internal and external entities, please find below the Agency's own assessment of the documents against the provisions and the exceptions laid down in Regulation (EC) No 1049/2001.

## **II. INDIVIDUAL ASSESSMENT OF THE IDENTIFIED DOCUMENTS**

The EUAA is highly committed to the principle of transparency and the rights of individuals to access documents of EU institutions, bodies and agencies as laid down in both Article 15 of the TFEU and Article 42 of the Charter of Fundamental Rights of the EU.

As regards document 2 (the EUAA Country of Origin Information (COI) Report Methodology), the Agency is pleased to inform you that this is already available on the Agency's website at the following link: <https://euaa.europa.eu/publications/coi-report-methodology>.

Pursuant to the Agency's own assessment under Regulation (EC) No 1049/2001, the following exception(s) under Article 4 of Regulation (EC) No 1049/2001 needed to be taken into consideration, however, with regard to the rest of the documents, relating to:

### **i. The protection of international relations**

In accordance with Article 4(1)(a) third indent of Regulation (EC) No 1049/2001, access to a document must be refused if its disclosure would undermine the public interest as regards international relations.

Documents 3-15 contain detailed information, compiled and processed by the EUAA, about the legal, political, security and human rights situations of the relevant countries, as well as information about the types of profiles of applicants for international protection (if any) that may face specific human rights concerns in those countries.

In the Agency's assessment, the provision of public access to such detailed information as compiled by the EUAA would undermine the relations between the EU and the relevant non-EU States. More specifically, it can reasonably be expected to have a negative effect on the mutual trust and any ongoing and/or future operational and/or political cooperation between the EU and the relevant third countries, thereby also impeding, *inter alia*, the external dimension of the Common European Asylum System. The



disclosure of the documents in question could also have a negative impact on the trust enjoyed by the EU *vis-à-vis* other third countries.

Without prejudice to the generality of the above, in highlighting what could be perceived by the concerned third countries as ‘negative’ aspects noted by the EUAA in the relevant factsheets, the disclosure of documents 3-15 can reasonably be expected to undermine the strength of the EU’s relationship with the said third countries and this, in turn, would imperil future cooperation, including, for example, in relation to cooperation agreements, migration partnerships, readmission agreements and the facilitation of returns.

Therefore, access to documents 3-15 must be refused as per Article 4(1)(a), third indent of Regulation (EC) No 1049/2001.

## **ii. Decision-making process**

According to Article 4(3), first subparagraph of Regulation (EC) No 1049/2001, “*access to a document drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution’s decision-making process, unless there is an overriding public interest in disclosure*”. Pursuant to the second subparagraph of the same article “*access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution’s decision-making process, unless there is an overriding public interest in disclosure.*”

Following a careful examination of the documents concerned, the Agency notes that document 1 outlines the terms of reference for the development of factsheets by the Agency. The document was developed for internal use and clearly relates to a situation where there is an ongoing legislative/decision-making process, namely the ‘European Commission’s 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. Similarly documents 3-15 likewise relate to the same situation where there is an ongoing legislative/decision-making process that is not yet finalised.

It is noted in this context that as per Article 12(4) of the EUAA Regulation, information and analysis on safe countries and safe third countries provided by the Agency to the European Commission ‘shall’ be submitted to the European Parliament and to Council. For the relevant legislative process to be carried out in the best possible manner, it is important to allow the co-legislators, namely the Council and the European Parliament, as well as the European Commission as initiator of that legislative process, a free space to think that is, *inter alia*, free from unnecessary pressure from third-parties, including non-EU States that may be keen to have their specific country represented in a particular way and who may therefore place undue pressure in this regard. More specifically, but without prejudice to the generality of the foregoing, if third countries were to become aware of what information lies at the basis of the proposed inclusion (or non-inclusion) of countries on the list, they would potentially find themselves in a stronger position to influence and/or interfere in the



negotiations by putting undue pressure on the European Parliament and/or the Council as regards the final decision of the co-legislators on the matter of which countries are to be included on the list.

The disclosure of documents 1, 3-15 would seriously undermine the decision-making process and access should therefore be refused pursuant to Article 4(3) first subparagraph of Regulation (EC) No 1049/2001.

### Overriding public interest in disclosure

The Agency further examined whether an overriding public interest exists in the disclosure of the above documents. The Agency has concluded that even if a public interest in disclosure can be identified, the latter needs to be weighed against the harm that would be occasioned by disclosure, i.e. the risk of specific and foreseeable repercussions on how decisions are taken by the Council and the European Parliament as co-legislators in the ongoing legislative process.

The disclosure of the abovementioned document would therefore have a substantial impact on the decision-making process and access should therefore be refused pursuant to Article 4(3) of Regulation (EC) No 1049/2001.

### **III. PARTIAL ACCESS**

In accordance with the principle of proportionality<sup>3</sup>, the Agency further examined whether partial access could be granted to the documents. Such examination was aimed at assessing specifically whether the exceptions indicated above actually apply to the entire contents of the relevant documents.

The EUAA is of the view that the exceptions under Article 4 of Regulation (EC) No 1049/2001 referred to above apply to the entire contents thereof. In light of this, the Agency does not consider it possible to grant partial access to the documents.

### **IV. CONCLUDING OBSERVATIONS**

**The EUAA is highly committed to upholding the principles of transparency and good administration. Please be assured that our services have tried their utmost to accommodate your present application for public access to documents.**

**As such, we trust you will find document 2 useful. As regards the non-disclosure of documents 1, 3-15 however, we kindly note that the Agency is not in a position to disclose information which, if made public, would jeopardise the protection of international relations and an ongoing decision-making process.**

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, within 15 working days of the receipt of this letter, you may submit a confirmatory application to the EUAA asking it to reconsider its position. Pursuant to Article 8 of Regulation (EC) No 1049/2001, the EUAA will reply to you within

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<sup>3</sup> Hautala v Council, Case T-14/98, 19 July 1999.



15 working days from registration of such an application. You can submit a confirmatory application via the following methods:

**By post:**

The Executive Director  
European Union Agency for Asylum (EUAA)  
MTC Block A  
Winemakers Wharf  
Grand Harbour Valletta, MRS 1917  
Malta

**By electronic mail:** [pad.mailbox@euaa.europa.eu](mailto:pad.mailbox@euaa.europa.eu)

Yours sincerely,

In the absence of the Executive Director

Mikael Ribbenvik Cassar  
Deputy Executive Director