

(English version)

**Question for written answer E-003359/25
to the Commission
Mary Khan (ESN), Petra Steger (PfE)
(2 September 2025)**

Subject: ECJ ruling on the classification of safe countries of origin out of touch with reality

On 1 August 2025, the European Court of Justice (ECJ) ruled that EU Member States can continue to determine for themselves which countries they classify as safe, but that these classifications must be justified in a transparent and comprehensible manner. Furthermore, safety must be guaranteed for the entire population of the country of origin, including all minorities and particularly vulnerable groups such as LGBTQ+ persons. This means that not only individual parts of the country, but the entire state must be considered safe.⁽¹⁾ This ruling represents a massive restriction of national sovereignty and a clear case of paternalism on the part of EU judges. Furthermore, the requirement that all parts of the country must be considered safe for all population groups is a rigid standard that makes repatriation and the implementation of national asylum policy considerably more difficult. Many countries of origin have significant regional differences in terms of safety and protection from persecution, which is why Member States should have the option of using predominantly safe regions for repatriation without individual problem areas blocking the entire classification.

1. What is the Commission's assessment of this ECJ ruling and the associated restriction of national sovereignty, particularly in the area of asylum?
2. Does the Commission consider the ECJ requirement for security throughout the entire territory of a country to be realistic and practicable, given that many countries of origin have both stable and unstable regions?
3. How does the Commission plan to ensure the viability of national asylum policies in Member States without ECJ rulings disproportionately restricting them?

Submitted: 2.9.2025

**Answer given by Mr Brunner on behalf of the European Commission
(6 November 2025)**

In accordance with Article 267 of the Treaty on the Functioning of the European Union⁽¹⁾, the Court of Justice of the European Union has jurisdiction to give preliminary rulings concerning the interpretation of Union law and the validity of the Union acts. The Court of Justice's rulings resulting from requests for preliminary rulings are binding.

As guardian of the Treaties, the Commission monitors the compliance of national law and practices with the requirements laid down in Union law and the rulings of the Court of Justice.

The judgment mentioned by the Honourable Members concerns the rules of the currently applicable *acquis*, the Asylum Procedure Directive⁽²⁾.

It is important to note that under Article 61(2) of the Asylum Procedure Regulation⁽³⁾, which will replace the Asylum Procedure Directive, a third country can be designated as a safe country of origin at EU and national level with exceptions for specific parts of its territory or clearly identifiable categories of persons.

Although these provisions will start applying on 12 June 2026, the Commission proposed in April 2025 to advance its application⁽⁴⁾. Negotiations on this proposal are currently ongoing in the European Parliament and in the Council.

¹ <https://www.nzz.ch/international/eu-urteil-zieht-grenzen-fuer-listen-sicherer-herkunftslander-ld.1896047>

⁽¹⁾ Consolidated version of the Treaty on the Functioning of the European Union; OJ C 326, 26.10.2012, pp. 47-390.

⁽²⁾ 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) *OJ L 180*, pp. 60-95.

⁽³⁾ Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU; OJ L, 2024/1348, 22.5.2024.

⁽⁴⁾ 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; COM(2025) 186 final.