

ANNEX I U.K.

Definition of ‘determining authority’

When implementing the provision of this Directive, Ireland may, insofar as the provisions of section 17(1) of the *Refugee Act 1996* (as amended) continue to apply, consider that:

- ‘determining authority’ provided for in Article 2(e) of this Directive shall, insofar as the examination of whether an applicant should or, as the case may be, should not be declared to be a refugee is concerned, mean the *Office of the Refugee Applications Commissioner*; and
- ‘decisions at first instance’ provided for in Article 2(e) of this Directive shall include recommendations of the *Refugee Applications Commissioner* as to whether an applicant should or, as the case may be, should not be declared to be a refugee.

Ireland will notify the Commission of any amendments to the provisions of section 17(1) of the *Refugee Act 1996* (as amended).

ANNEX II U.K.

Designation of safe countries of origin for the purposes of Articles 29 and 30(1)

A country is considered as a safe country of origin 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 as defined in Article 9 of Directive 2004/83/EC, 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.

In making this assessment, account shall be taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment by:

- (a) the relevant laws and regulations of the country and the manner in which they are applied;
- (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;
- (c) respect of the non-refoulement principle according to the Geneva Convention;
- (d) provision for a system of effective remedies against violations of these rights and freedoms.

ANNEX III U.K.

Definition of ‘applicant’ or ‘applicant for asylum’

When implementing the provisions of this Directive Spain may, insofar as the provisions of ‘*Ley 30/1992 de Régimen jurídico de las Administraciones Públicas y del Procedimiento*

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Administrativo Común of 26 November 1992 and '*Ley 29/1998 reguladora de la Jurisdicción Contencioso-Administrativa*' of 13 July 1998 continue to apply, consider that, for the purposes of Chapter V, the definition of 'applicant' or 'applicant for asylum' in Article 2(c) of this Directive shall include '*recurrente*' as established in the abovementioned Acts.

A '*recurrente*' shall be entitled to the same guarantees as an 'applicant' or an 'applicant for asylum' as set out in this Directive for the purposes of exercising his/her right to an effective remedy in Chapter V.

Spain will notify the Commission of any relevant amendments to the abovementioned Act.