

Application of the ‘safe third country’ concept

2025/0132(COD) - 20/05/2025 - Legislative proposal

PURPOSE: to facilitate the application of the safe third country concept with a view to accelerating asylum processes.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the safe third country concept (STC) and asylum procedure are governed by EU law under the Asylum Procedure Regulation (EU) 2024/1348 which established a common procedure for granting and withdrawing international protection in the Union. The Commission has reviewed the various elements of the concept of safe third country which led to the conclusion that there was scope for **improving the applicability of the safe third country concept** while preserving the legal safeguards for applicants and ensuring the respect of fundamental rights.

Under EU law, third countries can be considered safe when they fulfil a number of conditions, such as protection against refoulement, the absence of real risk of serious harm and of threats to life and liberty on account of race, religion, nationality, membership of a social group or political opinion, as well as the possibility to request and receive effective protection.

Without EU-level action, Member States would continue to apply the STC concept in a **fragmented manner**, leading to inconsistencies in legal interpretation and procedural safeguards. Diverging national approaches would create legal uncertainty, increase litigation risks, and undermine the uniform application of asylum rules across the Union. A lack of coordinated action would also hinder fair burden-sharing among Member States and weaken the EU’s ability to engage effectively with third countries on migration matters. By acting at the EU level, this proposal ensures **harmonisation, legal certainty, and procedural safeguards**, while providing Member States with greater flexibility to implement the STC concept in a legally sound and operationally effective manner.

CONTENT: this Commission proposal aims to make a **targeted amendment to the Asylum Procedure Regulation** 2024/1348 aimed at making the application of the STC concept more flexible for Member States. The proposal maintains the optional nature of the application of the STC concept. The new procedures should be governed by the same rules, regardless of the Member State applying them, to ensure equity in the treatment of the applicants, third-country nationals or stateless persons subject to them, as well as clarity and legal certainty for the individual.

The objective of lifting some of the obstacles to the effective application of the STC concept calls for an EU framework, which is necessary to ensure a consistent and coherent application of the STC concept across Member States.

More specifically, the proposal makes the following changes to the conditions under which the concept can be applied:

- a **connection** between the applicant and the safe third country will no longer be mandatory. Member States may choose to apply the safe third country concept where there is a connection as defined under national law;

- **transit** through a safe third country before reaching the EU can now also be considered as a sufficient link to apply the safe third country concept;

- when there is no connection or transit, the concept can be applied if there is an **agreement or arrangement with a safe third country**. Such agreement or arrangement will ensure that there is an examination of the request for effective protection in the safe third country, so that applicants can receive protection if justified. This option will not apply to **unaccompanied minors**;

- to reduce procedural delays and prevent abuse, the Commission proposes that **appeals** against inadmissibility decisions based on the safe third country concept will **no longer have an automatic suspensive effect**.

In addition, the proposal requires Member States to inform the Commission and other Member States before concluding agreements or arrangements with safe third countries. This will allow the Commission to monitor that these agreements or arrangements fulfil the conditions set out in EU law.