

Application of the ‘safe third country’ concept

2025/0132(COD) - 10/02/2026 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 396 votes to 226, with 30 abstentions, a legislative resolution on the 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.

Parliament adopted its position at first reading by amending the proposal as follows:

Safe third country concept

According to the amended text, the concept of a safe third country may apply when one of the following conditions is met:

- there is a **connection** between the applicant and the third country concerned on the basis of which it would be reasonable for him or her to go to that country;
- the applicant has **transited** through the third country concerned on the way to the Union; or
- there is an **agreement or arrangement** with the third country at bilateral, multilateral or European level for the admission of asylum seekers, this option not applying to unaccompanied minors.

Connection

The amended text specifies that the connection between the applicant and the third country could be considered established in particular where members of the applicant’s family are present in that third country, where the applicant has settled or stayed in that third country, or where the applicant has linguistic, cultural or other similar ties with that third country.

Transit through a third country

For the purposes of this regulation, transit through a third country could include a situation where an applicant has passed through or stayed on the territory of a third country on the way to the Union, or where the applicant has been at the border or in a transit zone of a third country, where that applicant has had the possibility to request effective protection from the authorities of the third country concerned.

Agreement or arrangement at EU level

Member States should also have the possibility to apply the concept of safe third country on the basis of an agreement or an arrangement, regardless of its formal designation, concluded by the Union or by the Member States with the third country concerned in a manner conducive to legal certainty and transparency, provided that the agreement or arrangement concerned contains provisions requiring the examination of the merits of any requests for effective protection made in that third country by applicants covered by that agreement or arrangement.

Where the Commission enters into negotiations for an agreement on behalf of the Union with a third country with a view to concluding an agreement at Union level, it should take any existing bilateral or multilateral agreements between the Member States and the same third country into account in the course

of the negotiations, including the potential impact of the Union-level agreement on those bilateral or multilateral agreements and on the Member States' cooperation with that third country in the field of migration.

An agreement concluded by the Union and a third country falling within the scope of the regulation, should take precedence over any bilateral or multilateral agreements or arrangements concluded between individual Member States and the same third country, in so far as their provisions are incompatible with those of that Union-level agreement.

Right to remain in the territory

To enhance procedural efficiency, the applicant should not have an automatic right to remain on the territory of a Member State for the purpose of an appeal procedure against a decision on inadmissibility taken on the basis of the concept of safe third country. In addition, the applicant should not have an automatic right to remain on the territory of a Member State for the purpose of an appeal procedure against a decision on inadmissibility taken on the basis that a Member State other than the Member State in which the appeal is lodged has granted the applicant international protection.