

EN
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Answer given by Mr Brunner
on behalf of the European Commission
(4.8.2025)

The proposal to revise the safe third country concept¹ aims to equip Member States with effective tools to manage asylum procedures responsibly and in line with EU legal obligations. It fully complies with international law and the EU Charter of Fundamental Rights. The absence of a connection, which is not required under international law, does not compromise legal or procedural safeguards for applicants. Each inadmissibility decision still requires an individual assessment of whether the third country is ‘safe’ for the person concerned. The safety criteria under the Asylum Procedure Regulation² remain unchanged and include the possibility to request and, where conditions are met, receive effective protection in line with EU and international fundamental rights standards.

The non-automatic character of the suspensive effect of appeals complies with the right to an effective remedy. Applicants retain the right to appeal inadmissibility decisions and to request the right to remain in the territory of Member States pending the outcome. When granted, such suspensive effect also applies to the return decision. Courts may also rule on this ex officio. Appeals against return decisions continue to carry an automatic suspensive effect where there is a risk of breaching the principle of *non-refoulement*.

The proposal retains the optional nature of applying the safe third country concept for Member States and sets clear designation criteria. Any arrangement or agreement with a third country requires examination of the merits of claims. Member States must inform the Commission before concluding such agreements. Furthermore, the Commission will monitor implementation, supported by the EU Agency for Asylum under its reinforced mandate³.

¹ 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, COM(2025) 259 final.

² 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.

³ Articles 14 and 15 of Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.