



2025/0132(COD)

17.10.2025

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DRAFT REPORT

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
(COM(2025)0259 – C10-0088/2025 – 2025/0132(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Lena Düpont

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT 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 (COM(2025)0259 – C10-0088/2025 – 2025/0132(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2025)0259),
 - having regard to Article 294(2) and Article 78(2), point (d), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0088/2025),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee,
 - having regard to the opinion of the Committee of the Regions,
 - having regard to Rule 60 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A10-0000/2025),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In assessing whether a third country fulfils the conditions to be considered a safe third country for the purposes of Regulation (EU) 2024/1348, Member States should be able to take into account whether that country is included in a Union or national list of safe countries of origin, as referred to in Article 61 of that Regulation. The inclusion of a country in such a list can constitute a relevant indication of the general human rights situation and stability in that country. Member States should ensure that the applicant would have effective access to effective protection in that third country in line with the principle of non-refoulement and with Regulation (EU) 2024/1348.

Or. en

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) The existence of a connection between the applicant and the safe third country is not required by international refugee law, notably the Geneva Convention, or international human rights law, notably the European Convention on Human Rights. Therefore, Member States should have the possibility to apply the concept of safe third country where no connection can be established between the applicant and the safe third country concerned, provided that an agreement or

(2) The existence of a connection between the applicant and the safe third country is not required by international refugee law, notably the Geneva Convention, or international human rights law, notably the European Convention on Human Rights. Therefore, Member States should have the possibility to apply the concept of safe third country where no connection can be established between the applicant and the safe third country concerned, provided that an agreement or

arrangement with the third country concerned requires the examination of the merits of requests for effective protection made by applicants subject to that agreement or arrangement.

arrangement *concluded either by the European Union or by one or more Member States* with the third country concerned requires the examination of the merits of requests for effective protection made by applicants subject to that agreement or arrangement.

Or. en

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In order to ensure uniform application of Union law and to avoid divergent practices among Member States, the use of agreements or arrangements concluded by the European Union with third countries should be encouraged. Such Union-level instruments provide a common legal and procedural framework for cooperation on asylum and migration, ensure compliance with Union law and standards, and reinforce mutual trust between Member States in the application of the safe third country concept.

Or. en

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) Member States should have the possibility to apply the safe third country concept on the basis of a connection between the applicant and the third country concerned, ***by which it would be reasonable for the applicant to go to that third*** country.

(3) Member States should have the possibility to apply the safe third country concept on the basis of a connection between the applicant and the third country concerned, ***as it is reasonable to expect that the applicant could go to and apply for protection in that*** country.

Or. en

Amendment 5

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to preserve the effectiveness of the safe third country concept and to ensure a coherent application across the Union, Member States applying that concept should make full use of all grounds set out in Regulation (EU) 2024/1348 before examining an application for international protection on its merits. They should therefore assess, in a comprehensive manner, whether the conditions relating to a connection, transit, or an existing agreement or arrangement with the third country concerned can be effectively applied. Only where none of these conditions can be applied, or where the third country refuses to admit or readmit the applicant, should the applicant be granted access to the asylum procedure within the Union.

Or. en

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) In view of the situation of vulnerability of unaccompanied minors and of the need for targeted support, the concept of safe third country should be applied to unaccompanied minors only where a connection or transit can be established with the third country concerned can be established and the conditions of Article 59(6) of Regulation (EU) 2024/1348 of the European

(5) In view of the situation of vulnerability of unaccompanied minors and of the need for targeted support, the concept of safe third country should be applied to unaccompanied minors only where a connection or transit can be established with the third country concerned can be established and the conditions of Article 59(6) of Regulation (EU) 2024/1348 of the European

Parliament and of the Council are fulfilled. Member States should ensure that the best interests of the child are a primary consideration in all decisions concerning minors.

Parliament and of the Council are fulfilled. ***However, where there are reasonable grounds to consider that the unaccompanied minor represents a danger to national security or public order, Member States should also be able to apply that concept in accordance with the agreements or arrangements concluded with the third country concerned. In all cases,*** Member States should ensure that the best interests of the child are a primary consideration in all decisions concerning minors.

Or. en

Amendment 7

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) It is necessary to enhance transparency regarding the conclusion by Member States of agreements and arrangements with safe third countries, to support Member States and the Commission in establishing a comprehensive approach on the external dimension of migration, and in coordinating their efforts towards third countries for applying the safe third country concept. This would also allow for monitoring whether agreements or arrangements with third countries fulfil the conditions set by this Regulation. It should also enable a more consistent and coherent application of the safe third country concept across the Union and contribute to the overall well-functioning of the Common European Asylum System. To this end, Member States should be required to inform the Commission and other Member States prior to the conclusion of agreements or arrangements with third countries.

Amendment

(6) It is necessary to enhance transparency regarding the conclusion by Member States of agreements and arrangements with safe third countries, to support Member States and the Commission in establishing a comprehensive approach on the external dimension of migration, and in coordinating their efforts towards third countries for applying the safe third country concept. This would also allow for monitoring whether agreements or arrangements with third countries fulfil the conditions set by this Regulation. It should also enable a more consistent and coherent application of the safe third country concept across the Union and contribute to the overall well-functioning of the Common European Asylum System. To this end, Member States should be required to inform the Commission and other Member States ***when opening negotiations and*** prior to the conclusion of agreements or arrangements with third countries.

Or. en

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Member States should be able to take the necessary measures to **address** the risk **that** applicants to whom the safe third country concept is being applied **abscond**, including by restricting freedom of movement pursuant to Article 9 of Directive (EU) 2024/1346 of the European Parliament and of the Council², or detaining the applicant concerned in accordance with Article 10 thereof, in order to assess the admissibility of applications.

² Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1346/oj>).

Amendment

(7) Member States should be able to take **all** the necessary measures to **prevent** the risk **of absconding of** applicants to whom the safe third country concept is being applied, including by restricting freedom of movement pursuant to Article 9 of Directive (EU) 2024/1346 of the European Parliament and of the Council², or detaining the applicant concerned in accordance with Article 10 thereof, in order to assess the admissibility of applications.

² Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1346/oj>).

Or. en

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) 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 against inadmissibility decisions taken on the basis of the safe third country concept. Nonetheless, the enforcement of the corresponding return decision is to be suspended during the time limit within

Amendment

(8) 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 against inadmissibility decisions taken on the basis of the safe third country concept. Nonetheless, the enforcement of the corresponding return decision is to be suspended during the time limit within

which the person concerned can exercise his or her right to an effective remedy before a court of first instance **and when such** appeal is lodged **where** there **is a risk of** breach of the principle of non-refoulement.

which the person concerned can exercise his or her right to an effective remedy before a court of first instance. **Where such an** appeal is lodged, **enforcement may be suspended only if** there **are reasonable grounds to believe that that removal would result in a** breach of the principle of non-refoulement.

Or. en

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EU) 2024/1348

Article 59 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(-1) In Article 59(3) the following subparagraph is added:

In assessing whether a third country fulfils the conditions to be considered a safe third country in accordance with this Article, Member States may take into account whether that country is included in a Union or national list of safe countries of origin as referred to in Article 61 of this Regulation.

Or. en

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EU) 2024/1348

Article 59 – paragraph 5 – point b – point i

Text proposed by the Commission

Amendment

i) 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;***

i) there is a connection between the applicant and the third country concerned,

Or. en

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a

Regulation (EU) 2024/1348

Article 59 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) there is an agreement or an arrangement with the third country concerned requiring the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement.

Amendment

iii) there is an agreement or an arrangement ***concluded by the Union or one or more Member States*** with the third country concerned requiring the examination of the merits of the requests for effective protection made by applicants subject to that agreement or arrangement.

Or. en

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EU) 2024/1348

Article 59 – paragraph 5 – subparagraph 2

Text proposed by the Commission

In the application of the first paragraph, point (b), the best interests of the child shall be a primary consideration. The first paragraph, point (b)(iii), shall not apply where the applicant is an unaccompanied minor.

Amendment

In the application of the first paragraph, point (b), the best interests of the child shall be a primary consideration. The first paragraph, point (b)(iii), shall not apply where the applicant is an unaccompanied minor, ***unless there are reasonable grounds to consider that the unaccompanied minor represents a danger to national security or public order under national law.***

Or. en

EXPLANATORY STATEMENT

The Commission's proposal to amend Regulation (EU) 2024/1348 of the European Parliament and of the Council establishing a common procedure for international protection in the Union as regards the application of the "safe third country" concept is a timely and targeted step to ensure that the Common European Asylum System becomes both credible and workable. It addresses long-standing inconsistencies in the way Member States have applied the concept and responds to calls from national authorities for greater flexibility and legal clarity.

The safe third country concept remains an essential part of international protection policy. It reflects a fundamental principle: those in need of protection should receive it, but not necessarily in the European Union when they could receive effective protection in a third country that is considered safe for them. Over the past decade, however, the practical use of this tool has been hindered by procedural complexity and by diverging interpretations among Member States, particularly concerning the requirement for a "connection" between the applicant and the third country and the automatic suspensive effect of appeals. Both institutional analyses and independent expert assessments conclude that the necessary adjustments can be made without compromising international or Union law.

The first improvement concerns the connection criterion. As recognised by the United Nations High Commissioner for Refugees and confirmed by legal scholarship, international law does not impose a requirement that a personal link exist between an applicant and the country considered safe. While the presence of a connection may facilitate practical cooperation, it is not a precondition for legality. The Commission therefore rightly proposes to make this element optional, thereby granting Member States the flexibility to determine whether and how to apply it, depending on operational circumstances and the existence of cooperation frameworks or arrangements with partner countries.

It must also be borne in mind that the proposal also requires Member States to inform the Commission and other Member States before concluding agreements or arrangements with safe third countries, which will ensure greater transparency, mutual awareness, and ultimately reinforce coordination and coherence in the Union's external migration management efforts.

This change does not weaken fundamental rights or lower protection standards. On the contrary, it reflects the reality that "connection" has often become an administrative obstacle rather than a safeguard. By maintaining the principle of individual assessment, we make sure that each case will still be examined to confirm that the person concerned can receive effective protection in the third country, including respect for non-refoulement and access to fair procedures. What changes is not the level of protection, but the ability of the Member States to apply the concept consistently and efficiently.

The second improvement concerns the suspensive effect of appeals. Under current rules, an appeal against an inadmissibility decision based on the safe third country concept automatically suspends transfer until a final judgment is delivered. While this safeguard aimed to protect applicants from any risk of refoulement, it has also led to protracted litigation and inconsistent practice across the Union. Removing the automatic suspensive effect, while guaranteeing the applicant's right to request suspension before a court or tribunal, is intended

to put an end to this practice. The judicial authority remains empowered to grant suspensive effect whenever there is a credible risk of refoulement or other irreparable harm.

This balanced approach fully respects Article 47 of the Charter of Fundamental Rights and the case-law of both the Court of Justice and the European Court of Human Rights. Human rights jurisprudence makes clear that the right to an effective remedy does not require automatic suspension in all cases, only that the remedy be capable of producing a suspensive effect when necessary. The proposal thus upholds judicial protection while restoring procedural efficiency. It also prevents situations of legal limbo that have in the past left applicants stranded for months or years in uncertainty, undermining confidence in asylum systems and creating unnecessary administrative burden for Member States.

We need to strengthen coherence between asylum and return procedures, contributing to a more seamless system. By clarifying and streamlining the rules we reinforce partnership-based cooperation with third countries, ensuring that Safe Third Country agreements and arrangements are mutually beneficial, uphold responsibility-sharing principles, and fully respect fundamental rights. It complements the Union's broader external migration policy, including future return hubs and tailored readmission arrangements, where the concept of effective protection remains central.

The Commission's proposal stays well within the boundaries of international law and the Geneva Convention. It does not remove safeguards but brings EU law back into proportion. Several elements of the current framework go beyond international requirements ("gold-plating"), and we want to achieve with this revision to simply realign them with the actual legal obligations.

From a political perspective, this draft report represents a concrete contribution to the implementation of the Pact on Migration and Asylum. It demonstrates that the Union can act swiftly to remove procedural bottlenecks that have prevented the proper functioning of its asylum system. This is precisely what a firm and fair migration policy requires: procedures that are fast and enforceable, but also legally sound and respectful of fundamental rights.

We want to enhance credibility both internally and externally. We give Member States the tools to manage asylum more effectively while sending a clear message that the EU remains committed to protection needs and ensuring compliance with international obligations to international protection but is determined to curb the misuse of the asylum system and lengthy procedural delay. We also enable faster cooperation with safe partner countries and encourages shared responsibility through structured arrangements.

Our aim is to contribute to the long-term objective of a sustainable European asylum architecture built on solidarity, trust, and predictability. We therefore need this pragmatic correction rather than a conceptual overhaul, ensuring that the safe third country mechanism functions as originally intended, to provide swift, fair, and lawful outcomes for all parties involved.

This is not a lowering of standards but an affirmation of Europe's capacity to combine principle with practicality. A functioning and credible asylum system is indispensable to maintain public confidence and solidarity among Member States. The safe third country reform represents a concrete step towards that goal and a clear signal that the European Union is able to protect its borders, uphold its values, and deliver results.

In light of the above, the rapporteur considers that the Commission's proposal requires only targeted refinements to ensure full legal clarity and operational coherence.

When assessing whether a third country qualifies as a safe third country, Member States could take into account the fact that this country is already listed as a safe country of origin at Union or national level. This circumstance can serve as an indicator of the country's overall stability and respect for human rights.

To ensure that the safe third country concept is applied consistently and effectively, Member States should first consider all available grounds - such as connection, transit or an existing arrangement - before examining an asylum claim on its merits. Only if none of these apply should the procedure continue within the Union.

To ensure consistent application of Union law and avoid divergent practices, the use of EU-level agreements or arrangements with third countries should be encouraged, as they provide a common framework, uphold Union standards, and strengthen mutual trust among Member States.

Unaccompanied minors are exempt from the application of the safe third country concept where it is applied on the basis of an agreement or an arrangement with a safe third country. However, Member States should be allowed to apply the concept on such a basis where there are reasonable grounds to consider that the minor poses a danger to national security or public order. This maintains the balance between protection and security and ensures coherence with existing rules in the border procedure.

Given that uncontrolled risks of absconding would undermine the application of the safe third country concept, Member States should take all necessary measures to prevent such absconding.

Finally, we propose to refine the rules on suspensive effect by clarifying that enforcement may be suspended only where there are reasonable grounds to believe that removal would breach the principle of non-refoulement. This ensures full respect for fundamental rights while avoiding unnecessary procedural delays.

The rapporteur welcomes the Commission's initiative and supports its swift adoption, with limited clarifications aimed at reinforcing legal certainty and transparency. By embracing flexibility on the connection criterion and endorsing the revised rules on suspensive effect, the European Parliament can help complete a coherent framework that serves both protection and efficiency.